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**1 — EPA chief tells Boozman: Agency did not shirk responsibility in mine spill, Ark Democrat Gazette, 9/16/2015**

<http://www.arkansasonline.com/news/2015/sep/16/epa-chief-tells-boozman-agency-did-not-shirk-respo/>

The head of the Environmental Protection Agency dismissed complaints Wednesday by Republican lawmakers that her agency downplayed the seriousness of a toxic mine spill that fouled rivers in three Western states. EPA Administrator Gina McCarthy called the spill caused by her agency "tragic and unfortunate" and said the EPA has taken responsibility to ensure that 3 million gallons of rust-colored sludge released into Colorado's Animas River is cleaned up.

**2 — Study: Air pollution kills 3.3 million worldwide, may double, AP News, 9/16/2015**

<http://www.houstonchronicle.com/business/energy/article/Study-Air-pollution-kills-3-3-million-worldwide-6508743.php>

Air pollution is killing 3.3 million people a year worldwide, according to a new study that includes this surprise: Farming plays a large role in smog and soot deaths in industrial nations.

**3 — Some researchers recommend moving Mississippi's mouth north to English Turn or Port Sulphur, according to The Lens, Times Picayune, 9/16/2015**

[http://www.nola.com/environment/index.ssf/2015/09/some\\_researchers\\_recommend\\_mov.html#incart\\_river](http://www.nola.com/environment/index.ssf/2015/09/some_researchers_recommend_mov.html#incart_river)

Move the mouth of the Mississippi River north to English Turn or Port Sulphur and abandon communities to their south to preserve other populated areas to their north, say one of several teams of coastal engineering and sustainability experts that have participated in a two-year design competition, according to The Lens.

**4 — St. Tammany Parish to accept household hazardous waste Oct. 31, Times Picayune, 9/16/15**

<http://www.politico.com/tipsheets/morning-energy/2015/09/morning-energy-animus-over-animas-moniz-takes-the-stage-210228>

St. Tammany Parish residents can get rid of their household hazardous waste — including batteries, paint and electronic equipment -- on Oct. 31 at the parish government complex on Koop Drive north of Mandeville. The parish's Department of Environmental Services will host Household Hazardous Waste Day from 9 a.m. to 2 p.m.

**5 — Nordheim residents travel to Austin, protest waste site, Victoria Advocate, 9/15/2015**

<https://www.victoriaadvocate.com/news/2015/sep/15/nordheim-residents-travel-to-austin-protest-waste-/>

Clad in yellow shirts reading "Concerned About Pollution," Nordheim residents piled onto a bus in the predawn hours Tuesday to protest an oil field waste site proposed a quarter-mile from their town. They arrived home with a sliver of hope.

**6 — Inside Blue Bell: Grime and discontent, Houston Chron, 9/14/2015**

<http://www.houstonchronicle.com/news/houston-texas/houston/article/Inside-Blue-Bell-Grime-and-discontent-6499325.php?t=9444e170f2&cmpid=twitter-premium>

Benjamin Ofori sometimes watched a mush of strawberries and pecans flow into an ice cream tank even after his production line at Blue Bell had been scrubbed. Low water pressure and temperature hampered Sabien Colvin's cleanup efforts at the plant.

**7 — Climate-forced migrations and prospect of refugee crises concern experts, Texas Climate News, 9/16/2015**

<http://texasclimatenews.org/?p=11305>

Migration and refugees are two words that have been much in the news lately. The migration crisis in Europe, with thousands of desperate people flooding into that continent from Syria and other troubled nations, is gripping the world's attention

**8 — EPA Proposed Rule Could Resurrect Confusing Test for Air Permitting, Texas Lawyer, 9/16/2015**

<http://www.texaslawyer.com/id=1202737385197/EPA-Proposed-Rule-Could-Resurrect-Confusing-Test-for-Air-Permitting#ixzz3m0VxTsXJ>

George C. Hopkins is a partner in and Jay Rothrock is a senior associate with Vinson & Elkins in Washington D.C. Eric Groten is a partner in the firm in Austin. In an August 2015 proposed rulemaking under the Clean Air Act that is otherwise directed at amending new source performance standards for the oil and gas industry, the U.S. Environmental Protection Agency also asked for public comment on a seemingly-innocuous definition that in fact has important consequences for differentiating minor from major sources for permitting under the act.

**9 — Keystone and crude oil surprisingly similar fights, Politico, 9/17/2015**

<http://www.politico.com/tipsheets/morning-energy/2015/09/pro-morning-energy-wolff-210261>

While these two policy disputes have obvious differences in content, they bear marked similarities. With the House Energy and Commerce Committee set to vote today on a bill to lift a 40-year-old ban on crude oil exports, Elana Schor considers how the export backers and opponents are rolling out many of their old talking points in the current debate: "At the heart of the pro-exports campaign is a national security argument broadly similar to the case for Keystone, which would mostly carry crude extracted from oil sands deposits in Alberta, Canada.

**10 — NM leaders push for tougher federal mining law, KOAT, 9/16/2015**

<http://www.koat.com/news/nm-leaders-push-for-tougher-federal-mining-law/35313462>

In the wake of the Animas River spill, New Mexico leaders are pushing for federal mining reform. Sen. Tom Udall and Sen. Martin Heinrich spoke before two congressional committees in Washington Wednesday.

**11 — TCEQ Thinks Golden Algae is Killing Fish, Big Country, 9/16/2015**

<http://www.bigcountryhomepage.com/news/tceq-thinks-golden-algae-is-killing-fish>

Another environmental agency has concluded a naturally-occurring organism is likely killing fish in a local creek. The Texas Commission on Environmental Quality launched an investigation in Breckenridge, Texas after they were notified of dead fish surfacing in the Gonzales Creek that runs through town. The presence of an oily substance was also noted.

**12 — Will new EPA rules force AEPCO shutdown?, Will Cox Range, 9/16/2015**

[http://www.willcoxrangeneews.com/news/article\\_aa1028b0-5be8-11e5-8058-1f11ecbe8eff.html](http://www.willcoxrangeneews.com/news/article_aa1028b0-5be8-11e5-8058-1f11ecbe8eff.html)

While the Environmental Protection Agency's carbon dioxide emissions standards for Arizona were greatly eased from its original proposal to its Clean Power Plan final rule, some electric cooperatives are wary that the new regulations will impact the Apache Generating Station in Cochise.

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## Will new EPA rules force AEPCO shutdown?

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Posted: Wednesday, September 16, 2015 12:00 pm

Dana Cole [dana.cole@willcoxrangeneews.com](mailto:dana.cole@willcoxrangeneews.com) | 0 comments

**C**OCHISE — While the Environmental Protection Agency's carbon dioxide emissions standards for Arizona were greatly eased from its original proposal to its Clean Power Plan final rule, some electric cooperatives are wary that the new regulations will impact the Apache Generating Station in Cochise.

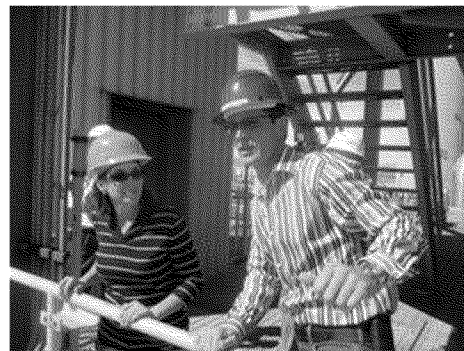
"There's a very good possibility that either the plant will have to be shut down or will have to be used in a reduced manner to meet those carbon goals," Duncan Valley Electric Cooperative General Manager Steve Lunt said.

Graham County Electric Cooperative in Pima, Duncan Valley Electric Cooperative in Duncan and Sulphur Springs Electric Cooperative in Willcox are members of Arizona Electric Power Cooperative, which owns and operates the 605-megawatt Apache Generating Station. AEPCO, along with Southwest Transmission Cooperative and Sierra Southwest Cooperative Services collectively make up Arizona G&T Cooperatives. The cooperatives are all not-for-profit, member-owned entities.

The final rule has Arizona reducing its CO2 emissions between 2022 and 2029 down to average 1,173 pounds per megawatt hour produced with a final goal in 2030 of 1,031 pounds per megawatt hour produced, a reduction of 29 percent from current production.

In addition to a reduced mandated reduction percentage, the EPA also extended states' time-line for compliance from 2020 to 2022, allowing the Arizona Department of Environmental Quality more time to adhere to the State Implementation Plan.

According to the Clean Power Plan, states must develop and implement plans that ensure the power plants in their state — either individually, together or in a combination with other measures — achieve the equivalent of the interim CO2 performance rates between 2022 and 2029 and the final rate in 2030. It's in that capacity, when lawmakers and ADEQ officials



Ainslee S. Wittig  
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## Apache Generating Station

U.S. Rep. Martha McSally, R-Ariz., learns about plant operations at Apache Generating Station from the utility's Director of Power Production Mike Nelson during a February tour.

analyze the final rule and determine how best it will be integrated into the State Implementation Plan, that the fate of the generating station will likely be determined, according to Arizona's G&T Cooperatives Communications & Public Relations Manager Geoff Oldfather. He said while it will likely be an uphill battle requiring a significant investment no matter what form the implementation plan takes, Arizona's G&T Cooperative representatives will make sure the rural cooperatives are heard.

"We're going to be working very, very diligently with the Arizona Department of Environmental Quality to ensure that a State Implementation Plan takes our concerns into account," he said. "ADEQ has done an excellent job of understanding our situation; they're not going to leave out the rural guys. That's not going to happen, but we have to work very close with them to make sure that both we and they understand the very technical details of the Clean Power Plan in its final form and how we're going to craft a State Implementation Plan that we can work with."

Basically, the future viability of the Apache Generating Station will not be known until the State Implementation Plan is finalized.

"We're working to try and determine the impact of the final rule as they apply (it) to us, and then we can relay that information to ADEQ," Oldfather said. "The other utilities are doing the same. It's going to impact everyone differently because we all have different resources, different generation mix, so the impacts are going to vary. It's up to us to make sure that we give ourselves and state regulators an accurate picture — once we break the rule down — so that then they have that once they start to develop their plan."

Lunt and Graham County Electric Cooperative General Manager Steve Lines both were in agreement that the new regulations push too far and will be a hardship and detriment to member users, who will likely face increased costs for electric power because of it.

"It's going to be a bad deal," Lines said.

The Apache Generating Station is currently in the process of a \$32 million conversion of its Steam Unit 2 from coal to pipeline natural gas. The project is scheduled to be complete in 2017.

Lines said, "We've put a lot of cost into these coal plants based on what the regulations were, and now all of a sudden they're saying, 'In spite of all that money you've thrown at it, too bad. Now you've just lost the money.' And our ratepayers are the ones (who) are going to have to pay for that. They're going to have to pay for some plant that is not being used. Nobody wants to pay for a car that they don't get to use or pay for a house they don't get to use, but here we are being forced into paying for a plant that won't be used . . . When somebody makes an investment to produce electricity, they should be able to at least use it for its useful life and then say, 'OK, after that point, no more, or you have to change the plan.' But don't let somebody get mid-stream and then just be, 'Oh yeah, by the way, we told you that was the best option back then, but now it's not, so too bad for all the money you invested.' It hurts the ratepayer, it hurts the economy, it hurts jobs, and it just affects a lot of things."

Oldfather said Arizona G&T Cooperatives is not against regulation, it just would like to see it be sensible.

"We want to find ways to comply," he said. "We need regulation that is affordable and realistic . . . The generation and transmission cooperative has done its best to comply with ongoing and proposed regulation as it develops, and that hasn't

changed. We want to find ways to comply; we just need time and it needs to be affordable — both for us and the people who take our salary,” Oldfather said.

He said it will likely take about a year for the State Implementation Plan to be finalized, and only then will the future of the Apache Generating Station truly be known.

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Posted in News on Wednesday, September 16, 2015 12:00 pm.

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## TCEQ Thinks Golden Algae is Killing Fish

Published 09/16 2015 09:51AM Updated 09/16 2015 09:56AM

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(BRECKENRIDGE, TX) - Another environmental agency has concluded a naturally-occurring organism is likely killing fish in a local creek.

The Texas Commission on Environmental Quality launched an investigation in Breckenridge, Texas after they were notified of dead fish surfacing in the Gonzales Creek that runs through town. The presence of an oily substance was also noted.

TCEQ staff met with a Game Warden, surveyed the situation, and determined there was no evidence of a spill or chemical contamination. They found fifty dead fish in total and many others were struggling.

They've concluded the situation is probably the result of a golden algae bloom. The Texas Parks and Wildlife Department says golden algae "is a single-celled organism that lives in water. It occurs worldwide, primarily in coastal waters, but it's also found in rivers and lakes. It doesn't always cause problems, but when it "blooms" (enters a phase of rapid growth and reproduction) this alga can produce toxins that cause fish kills. The toxins affect organisms that have gills: all types of fish, freshwater mussels and clams, and the gill-breathing juvenile stage of frogs and other amphibians."

The official test results have not been returned, but preliminary tests are indicative of the TCEQ's suspicions. *BigCountryHomepage* will let you know when the official results come in.

Related Articles:

[Golden Algae Likely Killing Local Fish \(http://www.bigcountryhomepage.com/news/golden-algae-likely-killing-local-fish\)](http://www.bigcountryhomepage.com/news/golden-algae-likely-killing-local-fish)

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By Sandra  
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## NM leaders push for tougher federal mining law

'Abandoned mines in the West are a ticking time bomb,' official says

Published 7:21 PM MDT Sep 16, 2015

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FARMINGTON, N.M. — In the wake of the Animas River spill, New Mexico leaders are pushing for federal mining reform.

Sen. Tom Udall and Sen. Martin Heinrich spoke before two congressional committees in Washington Wednesday.

"Abandoned mines in the West are a ticking time bomb," said Udall.

Crews with the Environmental Protection Agency were clearing the abandoned Gold King Mine

when they sent three million gallons of bright orange mine waste into the Animas and San Juan rivers.

Udall and Heinrich are working with Rep. Ben Ray Lujan to introduce two different bills this week.

The first would require the Environmental Protection Agency to compensate the Navajo Nation and other communities in northwestern New Mexico that were impacted by the spill.

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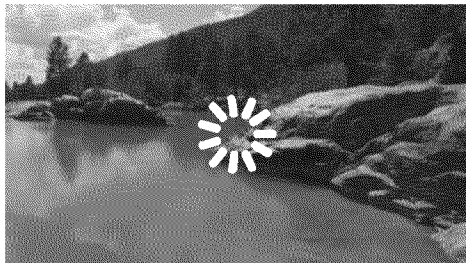
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■ NM firefighters return from West Coast fires "It is clear this disaster will continue to affect the Navajo Nation for a very long time," Udall said at an Indian Affairs hearing.

The EPA took responsibility for the spill, but Udall said they are not the only ones to blame.



"I believe in the principle, the polluter pays," said Udall.

A second bill would require mining corporations to pay royalties for hard rock minerals, like gold, silver, copper, and uranium.

According to Udall, coal, oil and gas companies have paid a similar royalty for decades.

The bill would also allow third parties to help clean up mine sites and would also require a comprehensive survey of all of the abandoned mine sites in the country, along with a plan to clean them up.

The changes would be the first change to the federal mining law since 1872.

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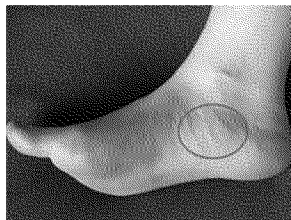
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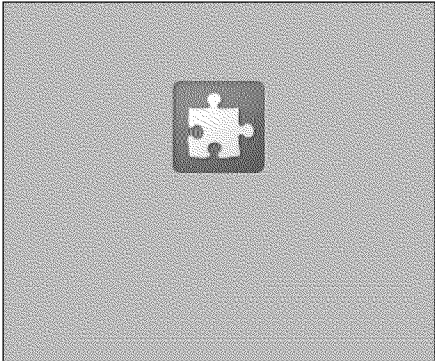
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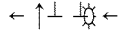
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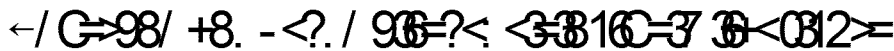
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## CRUDE EXPORTS FIGHT AND KEYSTONE BATTLE: SEPARATED AT

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But Republicans pulled a big energy bill from the meeting: In addition to the crude oil export bill, committee Republicans had planned on marking up the voluminous energy bill. But yesterday evening, they pulled the bill. The legislation would have

addressed energy security, efficiency, and infrastructure, among other issues. An aide told ME, "We launched this process over a year ago and while we have made great strides, we need a little more time as negotiations continue. We remain on track to ensuring our policies reflect our incredible abundance." Word from off the hill is that some committee Republicans want to offer amendments regardless of whether they have Democratic backing. That creates an impasse, because committee Chairman Fred Upton promised Ranking Member Frank Pallone that they would maintain bipartisanship in the committee. <http://bit.ly/1UW3EVh>

**GOP DEBATE'S CLIMATE MOMENT:** CNN's GOP presidential candidate debate didn't delve into energy issues, except for a brief exchange where Sen. Marco Rubio, and govs Chris Christie and Scott Walker bonded over their opposition to the Obama administration's climate regulations. "Every proposal that they're going to put forward are proposals that are going to make it harder to do business in America, that will make it harder to create jobs in America," Rubio said. "They will not do a thing to lower the rise of the sea, they will not do a thing to cure the drought here in California."

Christie deflected an attempt by CNN moderator Jake Tapper to put him at odds with Rubio, with Tapper calling Rubio a "skeptic" and noting that Christie believes climate change is happening, and that humans help contribute to it. "I don't think Senator Rubio's a skeptic of climate change, I think what Sen. Rubio said I agree with, that in fact we don't need this massive government intervention to deal with the problem," Christie responded.

He touted that he was the only Northeast governor to pull out of the regional greenhouse gas initiative, while plugging his state's solar, natural gas and nuclear power plants. "I agree with Marco, we shouldn't be destroying our economy to chase some wild, left wing idea that somehow us by ourselves [are] going to fix the climate," Christie said. Walker — who appeared to take a shot at EPA ozone regulations — was the only other GOP candidate to chime in before Tapper changed topics.

**IT'S THURSDAY!** I'm your host, Eric Wolff, and today's Morning Energy is best described by Inigo Montoya: "No, there is too much. Let me sum up." Send energy-related tips, quips, and comments at [ewolff@politico.com](mailto:ewolff@politico.com), or follow us on Twitter

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\*\* A message from The CRUDE Coalition: American consumers are benefiting from the lowest gasoline prices anywhere in the world today. That's boosting household budgets and the wider economy by billions of dollars. Don't raise gasoline prices by shipping US crude to China. See what American voters think here. <http://bit.ly/1Kdqt0D> \*\*

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EXXON HAD A CLIMATE RESEARCH PROGRAM — AND BURIED IT: Scientists working for oil giant Exxon alerted the company to the dangers of climate change to its business as far back as 1977. In response, the company launched a massive research effort into the phenomena, spending millions, only to bury the program and turn its funding to climate denial, according to a five-part investigation by Inside Climate News.

The second part of the series, published last night, focuses on Exxon's extensive climate research program, "Bold research projects were not uncommon at Exxon, which in the 1970s considered gradually shifting from oil to become a diversified energy company. Through its research units, Exxon explored ways to encourage more efficient consumption of petroleum and a wide range of alternative fuels. After company scientist Elliot Berman found a way to slash the cost of making photovoltaic solar cells by 80 percent, Exxon's chairman Clifton Garvin publicized how he heated his family swimming pool with solar power to show support for energy diversification ... Exxon delved into the oceans' role by installing a state-of-the-art lab aboard the Esso Atlantic, one of the biggest supertankers of the time ... After a decade of frank internal discussions on global warming and conducting unbiased studies on it, Exxon changed direction in 1989 and spent more than 20 years discrediting the research its own scientists had once confirmed." Part 1: <http://bit.ly/1QgHtHR>, Part 2: <http://bit.ly/1P0yytM>

Twenty climate scientists called for RICO investigation in a letter to Obama and U.S. Attorney General Loretta Lynch. The scientists argue that the systemic efforts to prevent the public from understanding climate change resembles the investigation undertaken against tobacco. They draw inspiration from Sen. Sheldon Whitehouse who said on the Senate floor that there might be a similar conspiracy here, and a civil trial could provide the tools of discovery needed to find out. <http://bit.ly/1F3bue2>

FERC KNOWS WINTER IS COMING: Grid operators from all across the country are coming in to brief FERC on plans and predictions for the coming 2015-2016 winter. The nation was largely spared of a consecutive visit by the polar vortices earlier this year but really, who can predict the weather? Fittingly, FERC leaders are following up on a final rule seeking to better coordinate the natural gas and electric markets. The rule went into effect two months ago but the Desert Southwest Pipeline Stakeholders, which includes Arizona's utility regulator and a number of power companies, filed a rehearing request that FERC leaders seem poised to act on today. Not too much else raised our eyebrows on the schedule for the upcoming meeting, but it's worth noting that the agenda gives birth to at least three new dockets, including one on FERC's access to certain NERC databases. The meeting starts at 10 a.m. at FERC HQ: 888 First St. NE. Webcast: <http://bit.ly/1vU2yyB>

Brace yourself for FERC lockdown. In addition to their now-regular marches during monthly meeting days, the anti-FERC crowd has also been protesting outside the agency's headquarters since Sept. 8, fasting in opposition to anything natural gas. A D.C. Superior Court judge cleared a Beyond Extreme Energy activist last month of unlawful entry into FERC, so the group sent a letter to FERC Chairman Norman Bay via the head of security that even those previously excluded from meetings may show up today. One of the activists caught Bay and FERC General Counsel Max Minzner yesterday as they exited the building and wrote about it. "[H]e stopped and we looked each other in the eye. He told me that he respected what we were doing with the fast and the commitment it showed as far as our beliefs. He said he felt this type of action was a good type of action. However, he went on to say that he really had problems with us disrupting their monthly meetings and asked if we would stop doing that." <http://bit.ly/1LyZ7D8>

Climate activist Bill McKibben cheered the group on last night, tweeting, "Day 9 for



brave crew fasting outside #FERC to demand an end to new #fracked gas infrastructure #BXEFast Thank you!"

**BILL TO PROVIDE KRYPTONITE TO EPA'S IMMUNITY:** Amid a joint hearing by the House committees on Natural Resources and Oversight and Government Reform set to take place today over the Animas River spill, Republican Rep. Lynn Westmoreland will introduce a bill to take away the EPA's liability shield. The "No Exemptions for EPA Act" holds EPA liable for accidents at sites the agency is already cleaning up. The bill is the first of a trio Westmoreland plans to introduce, and will be followed by legislation to require the EPA to reimburse the Judgement Fund in these cases, and another requiring the Treasury Department to provide an annual report accounting for agency reimbursements. Those bills are scheduled to be introduced later in September and in early October.

**EXELON HOPES MAYOR BOWSER WILL GIVE MERGER NEW LIFE:** Opponents of the Exelon Corp.-Pepco Holdings merger are rallying at noon today in the hopes of dissuading D.C. Mayor Muriel Bowser from considering a settlement with the companies. At least three city council members, neighborhood commission chairs and religious figures, among others, are planning to speak, organizers say. Within the next week, Exelon and Pepco are expected to formally ask D.C. regulators to rethink their August decision to reject the companies' merger proposal and critics think they're hoping that having Bowser on board will better their odds. Given the unequivocal wording of the D.C. Public Service Commission's decision, color ME skeptical that getting backing from Bowser will sway much. The rally will take place at Freedom Plaza, just across the street from Bowser's office.

**MONIZ #STANDWITHAHMED:** Energy Secretary Ernest Moniz tweeted his support for Ahmed Mohamed, the Texas 14-year-old arrested by police after he brought a clock he'd constructed to school. The Dallas Morning News, which broke the story, said Mohamed had a passion for electronics and robotics. He built the clock and brought it to school. When his English teacher got a look at it, she decided it looked like a bomb. Mohamed's arrest has attracted waves of support, including from Obama and Moniz. In his tweet, Moniz wrote: "Keep it up, Ahmed. Our #NationalLabs could use your help building gadgets like this one: <http://bit.ly/1PPZSen>," with an image of a camera suitable for high-powered

telescopes. <http://bit.ly/1Jcv829>

**ME FIRST: STUDY FINDS VEHICLE ELECTRIFICATION COULD CUT EMISSIONS IN HALF:** The Electric Power Research Institute, an electric power think tank, and the Natural Resources Defense Council, an environmental non-profit, will release a report today arguing that ongoing decarbonizing of the electric grid, existing vehicle efficiency policies, and widespread adoption of electric vehicles could reduce emissions by 48 percent by 2050. If renewables come onto the grid in a big way, the report says emissions could be reduced by 70 percent over the same time period.

**NEWS ROUND UP: It's a busy Thursday!**

— The American Lung Association found support for a methane rule in a poll it released over night. The poll found 67 percent of voters favor rules to limit methane emissions, including 86 percent of Democrats, 72 percent of Independents, and 47 percent of Republicans. The poll was conducted by Greenberg Quinlan Rosner Research and has a 3.3 percent margin of error. <http://bit.ly/1Jce5xc>

— Oil and gas development and greater sage grouse habitat don't overlap much, according to a report the Western Values Project will release today. "The proposed BLM plans will have a very minimal effect on the energy industry."

— Green building groups says green construction added \$167 billion to GDP between 2011 and 2014, according to a report from the U.S. Green Building Council out yesterday. The group, which advocates for energy efficient and sustainable construction through its LEED program, found that environmentally sustainable construction supported 2.1 million jobs over that period. The study forecasts that the industry will add \$303.4 billion in GDP between 2015 and 2018.

<http://bit.ly/1iiqFFk>

— Pencils down, today is the last day to tell the BLM how you feel about coal leases. The rule changes would require coal companies mining on public land to pay more for their leases.

— Murray Energy will pay \$3.3 million to resolve 1,753 violations issued to five mines when the sites were owned by CONSOL Energy and later purchased by Murray.

The settlement was approved by an administrative law judge from the Federal Mine Safety and Health Review Commission, according to the Mine Safety and Health Administration.

— President Barack Obama called Calif. Gov. Jerry Brown yesterday to express continued federal support in fighting the wildfires ravaging the state. The president said his administration will continue to work closely with the state to prepare for the impacts of climate change. Brown has long pointed to the California drought and the wildfires ravaging his state as evidence for how climate change is affecting his state now.

— The White House threatens to veto an environmental review streamlining bill. The administration believes H.R. 348, "Responsibly And Professionally Invigorating Development Act of 2015 or the RAPID Act", would only lead to more litigation.

#### QUICK HITS

— "Tighter Emissions Standards Vex Car Makers, Excite Component Suppliers", WSJ: <http://on.wsj.com/1Qj59vj>

— "How Green Is Joe Biden?", National Journal: <http://bit.ly/1YehEhI>

— "For Once High-Flying Utilities, Fed Rate Raise is Bad News", Bloomberg Business: <http://bloom.bg/1iPZimC>

— "Welcome Rain Reaches US West Coast; Northern California Wildfire Relief to Last Through Thursday", Accuweather.com: <http://bit.ly/1NEgtV9>

\*\* A message from The CRUDE Coalition: American jobs and our national security will be put at risk if Congress allows crude oil to be shipped overseas. Voters agree - recent surveys in Illinois and Pennsylvania show 60% are less likely to re-elect a legislator who supports shipping oil overseas. <http://bit.ly/1Kdqt0D> \*\*



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# EPA Proposed Rule Could Resurrect Confusing Test for Air Permitting

George C. Hopkins, Eric Groten and Jay Rothrock, Texas Lawyer

September 16, 2015

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In an August 2015 proposed rulemaking under the Clean Air Act that is otherwise directed at amending new source performance standards for the oil and gas industry, the U.S. Environmental Protection Agency also asked for public comment on a seemingly-innocuous definition that in fact has important consequences for differentiating minor from major sources for permitting under the act.

At issue is the word "adjacent," which assumes its importance because all adjacent and co-owned emission points must be aggregated as a single source. Naturally, the more emission points aggregated as "adjacent," the more likely a source is to be deemed "major."

The principal question is whether "adjacent" should have its ordinary meaning of "nearby" or proximate, or if it should include consideration of "functional interrelatedness." This definition would be used in EPA's Prevention of Significant Deterioration, Nonattainment New Source Review, and Title V permit program regulations.

Adopting a "functional interrelatedness" test would codify uncertainty and over-breadth into these air permitting regimes for both new and modified oil and gas operations. Using this test as "adopted" by guidance and interpretive memo, EPA has in the past considered activities many miles apart to be "adjacent." Although recent federal appellate court opinions currently preclude EPA from reading its permitting rules to impose a "functional interrelatedness" concept, EPA's proposal opens the door for interest groups to justify inserting a "functional interrelatedness" test into the permitting rules directly. The consequences of this test are illustrated by its application in such cases as *Citizens for Pennsylvania's Future v. Ultra Resources*, which required four years, summary judgment proceedings, and a 31-page U.S. District Court opinion to determine whether a state should have treated eight compressor stations associated with a routine pipeline system expansion as a single source.

EPA's rules under the act define a "source" as all activities 1. under common control, 2. within the

same major industrial category, and 3. located on "contiguous or adjacent" properties. In 2009, EPA withdrew 2007 guidance that defined adjacency "principally on proximity," replacing it with an "all relevant factors test" malleable enough to include all emitting activities "functionally related" to a source, almost without regard to geographic distance. In 2012, the Sixth Circuit invalidated EPA's 2009 interpretation of "adjacency" in *Summit Petroleum Corp. v. U.S. Environmental Protection Agency*, holding it contrary to the plain meaning of "adjacent."

But to preserve this test for jurisdictions outside of the Sixth Circuit, EPA thereafter issued guidance mandating its "functional interrelatedness" test be applied in all other states. In 2014, the D.C. Circuit invalidated that guidance in *National Environmental Development Association's Clean Air Project v. EPA*, holding that EPA's own rules precluded it from defining "adjacency" in two different ways across the country.

EPA states that its proposal would resolve the "uncertainty" created by these rulings, even though the rules do not now lack certainty: "adjacent" now has its dictionary definition, and the federal court decisions described above currently preclude EPA from applying the "functional relatedness" test.

## EPA Proposals

EPA's proposal states that its "preferred" definition of adjacent is proximity-based and would specify that a distance of  $\frac{1}{4}$  mile should be considered "adjacent." Several states, including Texas, Pennsylvania, Oklahoma, and Louisiana, presume that operations within this distance should be considered a single source pursuant to state-issued guidance. EPA has requested comment on whether another distance would be more appropriate. A more troublesome question from EPA is whether it is appropriate to "daisy-chain" sources in the aggregation analysis; this artifice could extend the concept of a source broadly in geographic terms, depending on such variables unrelated to air quality as compressor-pipeline configurations.

EPA's second option would incorporate the preferred option but also allow regulators to apply the functional interrelatedness test to define sources more than a quarter mile apart as a single source. To clarify this amorphous concept, EPA has proposed that functional interrelatedness "might be shown" by: a physical connection, such as a pipeline between equipment; the delivery of product from one group of equipment to another; or the interdependency of operations. EPA also requested comment on whether functional interrelatedness in the oil and gas sector should be limited to certain common configurations of equipment, such as a "hub and spoke" production model. Finally, EPA is seeking comment on whether it should not aggregate sources beyond a certain distance, even if functionally interrelated.

The current definition for the term "adjacent" is good for the oil and gas industry because it is almost exclusively a function of actual adjacency. By opening the door to the litigation-generating concept of "functional interrelatedness," EPA would be exposing the oil and gas industry to significant permitting risk. Under this definition, each permitting decision would require a "case-by-case determination," the outcome of which would be highly uncertain, as it was under EPA's past approach to source aggregation. The ambiguity and case-by-case nature of the functional interrelatedness inquiry will also give non-governmental organizations an additional opportunity to challenge projects.

The prospect of major source permitting should be a significant concern. EPA itself estimates that a major source permit application typically takes a year or more to process. The process requires modeling, a control technology analysis and, in regions designated "non-attainment," the potential need for emission offsets. This latter risk may become more significant as National Ambient Air Quality Standards become more stringent over time, potentially leading to broader non-attainment designations. For example, EPA's pending ozone NAAQS proposal could result in significant portions of important shale-play states like Pennsylvania and Texas being designated as non-attainment. Conversely, a decision by EPA to define adjacency along the lines of its "preferred" option would, if followed by the states, reduce the uncertainty associated with source determinations.

Upon publication in the "Federal Register," EPA's proposals will be subject to a 60-day comment period. EPA will also hold public hearings on its oil and gas proposed rulemakings, including the source aggregation proposal, in Dallas, Texas and Denver, Colorado on September 23, and in Pittsburgh, Pennsylvania on September 29.

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|| FÉĀTŮŘĚŠ | ČĹIMÁŤĚ MIĠRĀNTŠ 1

# \$ CLIMATE FORCED MIGRATIONS AND PROSPECT OF REFUGEE CRISES CONCERN

≡ MĚŇŮ

Těxáš ČĹimáŤě Nějwš

🔍 ŠĚĀŘČH

Šěptěmběr 16, 2015



Miġrátjōň áňď řěfugēēs ářě t'wó  
wóřďš t'hát hávě bēēň mŭčň jň t'hě  
něwš l'átěly.

T'hě miġrátjōň čřjšjň jň Ěŭřópě,  
wjt'h t'hóŭšáňďš óf đěšpěřátě  
pěóplě flóóđjňg jňt'ó t'hát  
čóňtjňěňt' fróm Šŷřjá áňď ót'hěř  
t'řóŭblěď náťjōňš, jš ġřjppjňg t'hě  
wóřld's áttěňtjōň. Řěšěářčhěřš  
řěčěňt'ly t'jed t'hě Šŷřjáň pářt' óf  
t'hát ěxóđŭš t'ó đřóŭgħt'  
áġġřávátěď bŷ máňmáďě čĹimáŤě  
čhánġě.



Šjštěř Lětjčjá Běňávjđěš ġřěēřěď á řěfugēē čňjđ fróm Ġŭátěmárá l'ášt' ŷeár ář  
óňě óf t'hě ássjstáňčě cěňt'ěřš ópěňěď bŷ Čát'h óljč Čhárjt'jěš óf t'hě Řjč Gránđě  
Válěŷ jň řěspóňšě t'ó t'hě flóóď óf ŷňáččómpáňjěď čňjđřěň áňď ót'hěř  
jmmiġránt's ěňt'ěřjňg Těxáš fróm Čěňt'řáť Áměřjčá. Pópě Fráňčjš ěxpřěššěď  
h jš t'háňkš fōř t'hě ěffōřt' t'h jš móňt'h jň á "ŷjřt'ŷáť pápáť áŭđjěňčě" wjt'h  
ġřóŭps jň Šóŷt'h Těxáš, Lóš Áňġěřš áňď Čňjčáġó, w jčň wás hóštěď bŷ ÁBČ  
Nějwš.

T'hě řěčěňt' 10t'h áňňjŷěřšářŷ óf  
Ĥŭřřjčáňě Ķát'řjňá hás bēēň á šóběřjňg řěm jňđěř óf ščjěňt'jšt's' wářňjňgš t'hát čĹimáŤě čhánġě,  
t'hřóŭgħ šěá-lěŷěľ řjšě áňď jň ót'hěř wáŷš, wjt'h jňčřěášě Ĥŭřřjčáňěš' đěšt'řŷčt'jŷěňěšš – áňď t'hát  
á šjňġlě čátášt'řóphjč wěát'hěř ěŷěňt' čáň ábrŷŭpt'ly fōřčě těňš óf t'hóŭšáňďš óf pěóplě t'ó šěēk  
něw hóměš fář áwáŷ.

Přěšjđěňt' Bářáčk Óbámá, špěákjňg t'hjš móňt'h t'ó áň jňtěřňátjōňáľ čóňfěřěňčě jň Áľášká  
ábóŷt' t'hě jmpáct' óf čĹimáŤě čhánġě jň t'hě Ářčt'jč, čjtěď l'óňġšt'áňđjňg čóňčěřňš t'hát čĹimáŤě  
čhánġě máŷ čřěátě móřě řěfugēēš t'ó ŷňďěřščōřě h jš čáľ fōř jňtěřňátjōňáľ áctjōň áť á  
đjplómátjč čĹimáŤě čóňfěřěňčě jň Pářjš l'átěř t'hjš ŷeár.

If t'hě čĹimáŤě-čhánġě "t'řěňď l'jňěš" čhártěď bŷ ščjěňt'jšt's čóňt'jňŷě, "t'hěřěš' nót' ġójňg t'ó bē á

nátjón óñ tñjş éártñ thát"ş nót' impáctěđ nēgát'ivē/y," Óbámá şájđ. "Pěóp/ě wjł/-şuffěř. Ěčónómjěş wjł/-şuffěř. Ěñtjřě nátjónş wjł/-fjñđ tñēmşē/věş yñđěř şēvēřě, şēvēřě přób/ěmş. Móre đřóuğñt; móre flóóđş; řjşjñğ şéá lēvēş; gřéátěř mjğrátjón; móre řěfųgěěş; móre şčářčjtj; móre čónf/jčt.

Iñ tñjş ártjč/ě, ŤČŇ čónřřjbutjñğ ěđjtóř Gřég Hárman přóvjđěş áñ jñ-đěptñ ěxámjñátjón óf tñě čómp/ěx jşşųě óf mjğrátjón đřjvēñ bŷ čljmátě čhángě, wjłñ pářtjčujár áttěñtjón tó tñě şjtųátjónş jñ Měxjčó áñđ Čěñřřál-Áměřjčá áñđ tñě fųtųřě přóşpěčtş fór čljmátě-jñčřéášěđ móvēmēñt' óf pěóp/ě fróm tñóşě ářéáš jñtő Ťexas áñđ ěşēwñěřě jñ tñě Ů.Ş. Áñ áččómpañjñğ ártjč/ě přóvjđěş tñě řřáñşčřjpt' óf Hárman'ş đětáj/ěđ jñtěřvjěw wjłñ Áljčě Ťhómáš, čljmátě đjşp/áčēmēñt' přóğřám máňágěř óf Řěfųgěěş Iñtěřnátjóná/.

+++++

Bŷ Gřég Hárman

Ťexas Čljmátě Něwş

Iñ hěř nátjvē Hónđuřáš, şhě đjđñ't şēēm á ljķēly řářgět fór tñě lóčál đřųğ gáñğş. But tñě fórēměř čáfěřěřjá wórķěř wáš mářķěđ nōñěthēlēşş. Měñ jñ máşķş áttáčķěđ hěř jñ tñě şřřěēř, lóóķjñğ fór ķēşş thát wóųđ áñłw tñēm tó şljp jñ áñđ óųt' óf tñě lóčál şčhóó/ bujłđjñğ áť wjłñ. But áttěř á ñěphēw jñtěřvēñěđ, pułjñğ óff óñě óf tñě áşşájłáñtş' máşķş jñ tñě přóčěşş, tñjñğş wórşēñěđ fór tñě móthěř óf twó.

"Ťhēş wěřě čáljñğ hěř şáyjñğ thát jf şhě řěpóřřěđ tñě čřjmě tñēş wóųđ ķjłñ hěř," şájđ Brěñdá Řjójáš, şpóķěşpěřşóñ fór tñě Čáthóljč Đjóčěşě óf Břówñşvjłñě. Ěvēñ áttěř Pálómá (ñót' hěř řéál námě) móvēđ hěř čhjłđřěñ áčřóşş tówñ, tñě čáljş ķěpt' čómjñğ. Ťhě měñ tñřéátěñěđ tó ķjđñáp hěř čhjłđřěñ. Áñđ wórşě.

Ljķě mųčñ óf Čěñřřál-Áměřjčá tódáy, Hónđuřáš jş á nátjón gřjppěđ bŷ řųñáwáy đřųğ vjłēñčě. Iñ 2012, tñě nátjón hád tñě wóřłđ's hğghēşť hómjčjđě řátě óf 90 mųřđěřş př 100,000 pěóp/ě, áččóřđjñğ tó tñě Ůñjtěđ Nátjónş Óffjčě óf Đřųğş áñđ Čřjmě. Áñđ jñ čjtjěş ljķě Şáñ Pěđřó Şųlá thát fjğųřě şčřéámş tó óvēř 180 př 100,000. (Bŷ čómpářjşóñ, lřáq áť tñě hējğñt' óf 2007'ş jñşųřgěñčŷ hád áñ ěşťjmatěđ hómjčjđě řátě óf ábóųť 62 př 100,000; tñě Ů.Ş. řátě jş lěşş thán fjvē př 100,000.)

Pálómá gřábběđ hěř čhjłđřěñ áñđ ñěphēw áñđ flěđ, jójñjñğ thóųşáñđş óf óthěřş běljěvjñğ áñ ářđųóųş jóųřñēş óf móre thán á thóųşáñđ mjłěş áčřóşş Měxjčó tó tñě Ůñjtěđ Ştátěş wáš tñěř bēşť čhánčě áť şųřvjál.

Áñ ŷñpřěčěđěñtěđ 62,997 ŷñáččómpañjěđ mjñóřş wěřě áppřěñěñđěđ jñ tñě bóřđěř řěgjónş óf tñě Ůñjtěđ Ştátěş jñ tñě Óčťóběř-thřóųğh-Julŷ přřjód óf fjşčál 2014. Áppřěñěñşjónş óf şųčñ čhjłđřěñ hávē đřóppěđ bŷ ábóųť háľf, tó 30,862, jñ thát şámě pářť óf fjşčál 2015, áččóřđjñğ tó Ů.Ş. Čųşťómş áñđ Bóřđěř Přótěčřjón. Áppřěñěñşjónş hávē řjşěñ tñjş yéár jñ



šomě ářěáš, hówěwěř, iňčludjňg the ágěňčy's Ěl Pášó ánd Bjg Běnd šěčt'órš álóňg the Ĥěxáš-Měxjčó bórđěř.

"Wě šěě thešě čhjdřěň ánd fámjljěš ás řěfugěěš," šájđ Řjójáš, đěščřjbjňg sučh mjgráňtš whó čřóšš the iňtěrňátjónál bórđěř jňtó the Łówěř Řjó Gřáňđě Vállěy óf Šóuth Ĥěxáš, whěřě lášť yěár's flóóđ óf jmmjgráňtš přómpťěđ the Břówhšvjllě Đjóčěšě tó ópěň áššjštáňčě čěňtěřš tó hělp thěm.

"Thěy đóň't gěť up óňě đáy ánd jušt' đěčjđě tó čómě tó the Uňjtěđ Štátěš fór á vácátjón. Thěy're flěějňg věřy řěál dáňgěřš. Thěy're tákjjňg ált the řjškš óf tákjjňg thjš jóuřňěy běčáušě theš šřjlt fjňđ the póššjbjltjťy óf hópě — jušt' the čháňčě óf ljfě."

Thě přěššurěš óň řěšjđěňtš óf Guátěmálá, Ěl Šálvádóř, ánd Hóňđuřáš, hówěwěř, đóň't běgjn ánd ěňđ wjth đřuğš. Lárgě šwáthš óf thešě náťjónš hávě álsó běěň gřjppěđ by thejř wóřšť đřóuğht jň đěčáđěš. Fárměřš ářě lóšjňg thejř ljvėljhóóđš ánd čjtť đwěllěřš ářě šřřuğgljňg tó kěep up wjth řjšjňg fóóđ přjčěš. Jň Ťjčáráguá, čóňšjđěřěđ the hářđěšť-hjt náťjón jň the řěgjjón, the góvěřňměňť řěšpóňđěđ by ũřgjjňg pěóplě tó éát móřě náťjvě jguáňáš.

Lášť Šěptěmběř, jt wáš éštjmátěđ thát 2.8 mjlljón Čěňtrál Áměřjčáň řěšjđěňtš wěřě šřřuğgljňg tó fěěđ thěmšělvěš, áččóřđjňg tó the Uňjtěđ Náťjónš Wóřld Fóóđ Přógrámmě. Thjš yěár, ás đřy čóňđjtjónš čóňtjňuěđ tó puňjsh the řěgjjón, U.Ť. řěpřěšěňtátjvěš ũřgěđ šřřóuğđjňg náťjónš tó "přjóřjtjzě řěšóuřčěš" tó áššjšt pěóplě theřě. Měmběřš óf the iňtěrňátjónál řěljěř óřgáňjzátjón Šávě the Čhjdřěň šáy čóňđjtjónš hávě wóřšěňěđ šjňčě lášť yěár ánd přěđjčťěđ the šjtúátjón čóuđ běčómě á "šěřjóuš hujmánjtářján šjtúátjón" jf ájđ jš nót jňčřěášěđ.

Đřóuğht ánd jtš čóňšěquěňčěš ářě ěvěřywhěřě jň the něwš thešě đáyš. Ščjěňtjštš řěčěňtľy čálčujátřěđ thát glóbal wármjňg háš jňtěňšjřjěđ Čáljřóřňjá's řěčóřđ-břěákjjňg đřóuğht, nów jň jtš fóuřťh yěár, by ás mučh ás 20 pěřčěňť. Thě Šřřján čjvjł wář, whjčh háš đjšpláčěđ mjlljónš ánd fěđ jňtó whát jš thóuğht tó bě the lárgěšť mášš mjgrátjónš šjňčě Wóřld Wář ll, wáš přjmeđ by wármjňg-ěňháňčěđ đřóuğht át hómě thát čřjppěđ gřówěřš, řěšěářčěřš čóňčluděđ jň áňóthěř šřřđř pūbljshěđ thjš yěár. Ánd đřóuğht jňšpřěđ Řuššjá, á májóř šuppljěř tó the Mjđđlě Ěášť, tó šřóp ált whěát ěxpóřťš.

Ánd whjłě jt hášň't řěčějvěđ ás mučh měđjá áttěňtjón jň the U.Š., đřóuğhtš óf šjmljár jňtěňšjtjěš hávě běěň ũňfóđjňg áčřóšš Čěňtrál Áměřjčá, Čółómbjá ánd Břázjl.

Thřěářěňjňg šóčjál čóňđjtjónš máy hávě běěň the přjňčjpál fáčťóř čómpěljňg těňš óf thóušáňđš óf ũňáččómpáňjěđ čhjdřěň ánd óthěřš tó ěňtěř Ĥěxáš wjthóuť jmmjgrátjón đóčujměňtš lášť yěár. Buť á vářjěťy óf ěxpěřťš ářě wóřřjěđ thát futřřě mjgrátjónš — wjthjň Čěňtrál Áměřjčá ánd Měxjčó ánd jňtó the U.Š. — čóuđ věřy wěll bě mučh lárgěř jň yěářš

áhéád, ánd jñčřéášjñgłŷ přómpťěd bŷ thě jñťěňšjřŷjñg jmpáćťš óf glóbbál wármjñg.

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Čóňčěřňš ábóuť mjgrátjón přómpťěd bŷ čljmátě čháňgě ářě nótñjñg ñěw. Čáľjñg thějř přójęćťjónš “ěxtřěmě” buť “pláušjblě,” á pájř óf řěšěářčěřš áť ŇĀŠĀ’s Jět Přópuľšjón Ľábóřátóřŷ jñ Pášáďěňá, Čáľj., tóók óň thě tópjč óf ábrupt čljmátě čháňgě fór thě Đěpártměňť óf Đěřěňšě á đóžěň yěářš ágó. Thě thóuğht ěěřčjšě ěěámjñěd hów thě řápid óňšět óf glóbbál wármjñg jmpáćťš máŷ áffěćť thě náťjónál šěćuřjťŷ óf thě Ůñjťěđ Šťátěš.

Thějř šwěepjñg póřťřájt wás óf á pláňět thřówn jñtó čháós: Čóňfljčťš óvěř ójľ šuppljěš, řjšjñg řjğhtš, ánd đwjñđljñg řřěš wátěř řěšóuřčěš řágě ářóuñđ thě wóřld. Thě Ůñjťěđ Šťátěš, áblě tó áčhjěvě řěľátjvě šěľř-šuffjčjěňčŷ, tuřňš jťšěľř jñtó á đěřěňšjvě fóřťřěšš.

“Bóřďěřš wjľt bě šťřěňgťhěňěđ ářóuñđ thě čóuñťřŷ tó hóľđ báćķ uñ wáňťěđ, šťářvjñg jmmjgráňťš řřóm thě Čářjbběáň jšľáňđš (áň ěšpěčjáhŷ šěvěřě přóblěm), Měxjčó, ánd Šóuťh Áměřjčá,” Pětěř Ščh wářtz ánd Đóuğ Řáňďáľ wřóťě jñ “Áň Ábrupt Čljmátě Čháňgě Ščěňářjčó ánd jťš jmpljčáťjónš fór Ůñjťěđ Šťátěš Náťjónál Šěćuřjťŷ,” puľjšhěđ jñ 2003.

“Těňšjón bětweěň thě Ů.Š. ánd Měxjčó řjšěš áš thě Ů.Š. řěňěgěš óň thě 1944 třěátŷ thát guáráňťěš wátěř flów řřóm thě Čóľóřáďó Řjvěř,” thěŷ čóňťjñuěđ.

Ánd ľóókjñg běŷóňđ thě Wěšťěřň Hěmjšphěřě, thě řěšěářčěřš ěňvjšjóněđ thě Ů.Š. čóňřřóňťjñg đáuñťjñg šěćuřjťŷ čháľěňgěš áćřóšš á glóbbě jñ thě gřjř óf á fášť-čháňgjñg čljmátě: “Thě jñťřáćťáblě přóblěm fáćjñg thě náťjón,” thě řěšěářčěřš wřóťě, “wjľt bě čáľmjñg thě móuñťjñg mjľjtářŷ těňšjón ářóuñđ thě wóřld.”

Ěvěň wjľthóuť áňŷthjñg áš đjřě áš thát jmagjñěđ ščěňářjčó, Ů.Š. jmmjgrátjón póľjčŷ háš gřówn jñčřéášjñgłŷ šťřjčť jñ řěčěňť yěářš, pářťjčŷľářŷŷ wjľth řěgářđ tó mjgráňťš řřóm Měxjčó ánd Čěňťřáľ Áměřjčá. Thě 2006 Šěćuřě Fěňčě Áćť řěšŷľťěđ jñ huñďřěđš óf mjľěš óf řjğh měťáľ bářřjěřš bějñg čóňšťřŷčťěđ áľóňg thě Ů.Š.-Měxjčó bóřďěř. Đěpóřťáťjón ñumběřš, řjšjñg fášť fór á đěćáďě áľřěáďŷ, řěáčhěđ áň áľť-jľmě řjğh óf 400,000 uñďěř Přěšjďěňť Bářáćķ Óbámá jñ 2012.

Ľěáďjñg Řěpuľjčáň přěšjďěňťjál čóňťěňďěřš ářě ñów šáŷjñg thát’s ñót ěěářŷ ěňóuğh. Bušjñěššmáň Đóňáľđ Ťřŷmp, ěňjóŷŷjñg á čómmaňđjñg ľěáď jñ Řěpuľjčáň přěšjďěňťjál póľjñg, háš čáľťěđ fór mášš đěpóřťáťjón óf áľť uñđóćŷměňťěđ jmmjgráňťš jñ thě Ů.Š. – áň ěšťjmatěđ 11 mjľjón pěóplě – ánd čóňšťřŷčťjón óf á wáľť áľóňg thě Ů.Š.-Měxjčó bóřďěř tó šťěm řŷťŷřě jľěgáľ ěňťřjěš.

Ánd Ťřŷmp jš fář řřóm áľóňě ámóňg řjš pářťŷš přěšjďěňťjál čóňťěňďěřš jñ ŷřgjñg á šťěřň čřáćķđówn óň jmmjgrátjón. ŇBC Ňěŷš řěpóřťěđ ľášť móňťh, fór ěěámplě, thát ějğht Řěpuľjčáň čáňđjďátěš háđ ěňďóřšěđ thě jďěá óf ěňđjñg thě 14ťh Áměňďměňťš guáráňťěš

of birthright citizenship for all children born in the U.S. to undocumented immigrants living here. As he abandoned his own bid for the nomination last week, former Texas Gov. Rick Perry was obviously concerned about such developments, warning that Republicans should not “indulge nativist appeals that divide the nation further.”

That's part of what's happening in the U.S. politically at the moment. It's easy to imagine the future debates over immigration issues becoming ever more intense. Looking ahead to the time when scientific projections of more numerous and more severe impacts from climate change, global warming of the displaced range widely in relation to a number of factors, including how much warming can be avoided by cutting emissions of greenhouse gases.

The Office of the United Nations High Commissioner for Refugees (UNHCR), for example, expects between 25 million and 1 billion people to be displaced by short- and long-term disasters associated with climate change by 2050.

Climate change has already begun to impact people and deepen inequalities worldwide as the number of weather-related disasters has doubled from 200 to 400 per year in 20 years, according to a recent UNHCR paper. And the Norwegian Refugee Council has suggested that climate-related disasters may have driven as many as 20 million from their homes in 2008.

It was exactly these sorts of issues that inspired Katharine Hayhoe, the daughter of missionary parents, to study climate change in the first place. As a committed Christian who had spent years of her childhood in Colombia, she became deeply concerned about what climate change meant for the world's poor.

“The biggest reason I study climate change is because of the impact that it has on the people who don't have the resources to adapt,” said Hayhoe, a climate scientist at Texas Tech University and director of the Climate Science Center there. “What I learned living in Colombia is just how vulnerable people can be to what have previously been untreatable natural hazards but what are increasingly becoming not-so-natural hazards.”

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When decades of rising temperatures and declining rainfall – attributed, in part, to climate change – created conditions between farmers and seasons that the same water wells in western Sudan, the resulting explosion of ethnic tensions led to the killing of hundreds of thousands. Some researchers began to point that the genocide was the world's first war attributable to climate change. Projections for more of the same as average temperatures continue to rise suggest the possibility of a 55 percent increase in African conflicts – and hundreds of thousands more dead – by 2030.

It inspired one of the world's leading nongovernmental organizations dedicated to

şuppörtiŋğ řefuğēēs, Řefuğēēs İntērñátıjónál, tó çřéátē á fult-tıjme pósıti]ón tó lēád óñ the işşuē iñ 2010.

“Thē őřğán]zátıjón ğót vērý çőñçērñēđ ábóut hów çlijmátē çhángē wás ğójñğ tó impáct dışplácēmēnt,” şáıd Álıçē Thómás, Řefuğēēs İntērñátıjónál’s çlijmátē dışplácēmēnt přóğřám mánáğēř, “ñót juşť áş á dřıvēr iñ tērms őf şeá-lēvēł řışē áñđ işláñđ ştátēs, buť áş áñóthēr çőñřıjbuťıjñğ fáctőř tó dışplácēmēnt iñ pőőř áñđ frágı]lē çóuñřıjēs.”

Whı]lē şçıēñtıjşş şáy á çērťá]ñ dēğřēē őf mánmáde wármıjñğ iş hów lóçkēđ iñtő the éářth’s çlijmátē şýşřēm, ñó máttēr whát wőřld ğóvērñmēñtış đó tó řēduçē hēát-tráppıjñğ póltuťıjón, şóçıjēřý’s vultñērábı]ıty tó thőşē çómıjñğ impáctş őf áddıti]ónál hēát, dřóuğht, iñtēñşı]ıēđ řá]ñfált ēvēñtış áñđ şeá-lēvēł řışē çáñ bē řēduçēđ thřóuğh přepářēđñēşş áñđ ává]ıábı]ıty őf řēşóuřçēş.

Á májőř dřóuğht iñ Těxás, řőř ēxámplē, çáñ hiť the ştátē iñ the póçkēřbőőķ áñđ dřıvē máný őut őf wőřķ, Thómás şáıd. Buť iť á dřóuğht őf the şámē şēvēřıty őççuřş iñ şómē pářtış őf Áfrıçá — thıjñķ Şómá]ıá iñ 2011— pőőplē wı]ı ştářvē tó đeáth. Şámē dřóuğht iñtēñşıty, vērý đıffērēñť őutçómēş.

“Hērē wē çáñ ğó tó 7-Ēlēvēñ áñđ ğēť wátēr iť wē đőñť hávē wátēr,” Thómás şáıd, “buť iť ýóu’řē iñ á çóuñřıy whērē iť đóēşñť řá]ñ ýóu đőñť hávē wátēr, the şıtuátıjón bēçómēş á çřışış vērý quıçķly. İť’s á lőť mőřē ábóut vultñērábı]ıty tó theşē ēxtřēmēş tháñ iť iş the ēxtřēmēş thēmşēlvēş. Thē impáct őf çlijmátē çhángē wı]ı lárgēly bē á fuñçti]ón őf uñđērıjıjñğ vultñērábı]ıty őf the pőpulátıjón iť áffēctş.”

*[Řeáđ TCN’s ēxtēñdeđ iñtēřvıjōw wıth Thómás]*

Őf çóuřşē, şómē pářtış őf the Uñı]teđ Ştátēs ářē álsó mőřē vultñērábı]ē tó çlijmátē çhángē tháñ őthērş. İť wásñť juşť iťş lów-şıuğğ pósıti]ón óñ the huřřıçáñē-prőñē Ğulř Čóáşť thát puť Nēw Őřıleáñş át iñçřeášēđ řışķ. Thē çıty’s hiğh lēvēłş őf pővēřty mádē máný řēşıđēñtış ēşpēçıá]ıy vultñērábı]ē whēñ Huřřıçáñē Ķátřı]ná ářřıvēđ iñ 2005.

Áş Háyhőē pó]ıñtış őut: “Thē pőőplē whó hád áççēşş tó iñfóřmátıjón áñđ tó tráñşpőřťátıjón wērē áblē tó ğēť áwáy. Thē pőőplē whó đıđ ñót hávē áççēşş tó thát şřıuğğı]ēđ tó ğēť áwáy, máybē çóu]đñť ğēť áwáy.”

İť’s á pó]ıñť thát Řóbēřť Buťıářđ, đeáñ őf the Bářbářá Jőřđáñ-Mıçķēy Lē]láñđ Şçhóól őf Pu]lı]ıç Ářfá]ıřş át Hóuşťóñ’s Těxás Şóuťhērñ Uñıvērşıty, dřóvē hómē whēñ hē ķēýñótēđ the ŞXŞW Ēçó çőñfēřēñçē iñ Áuşťı]ñ lášť Őçťőbēř.

“Wē ķñów whát háppēñēđ ářťēr Huřřıçáñē Ķátřı]ná,” hē řó]đ the áuđıjēñçē. “Buť the çómmuñı]ıjēs thát wērē vultñērábı]ē đı]ıjñğ the ştőřm áñđ ářťēr the flőóđ, theşē çómmuñı]ıjēs wērē vultñērábı]ē bēřőřē bēçáuşē őf pó]ı]çı]ēs, bēçáuşē őf láñđ-uşē đēçı]ıjónş,

běčáųšě óf hóųşjňğ páttěřňş, běčáųšě óf ót'hěř kjiňđş óf póličjěş thát wěřě put' jň pláčě."

Áş jň Łóųşjśjáňá, şó jň Měxjčó.

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Gjivěň the ġrówjňğ jmpáct' óf člijmátě čhángě ářóųňđ the wóřld, řěşěářčhěřş áčřóşş áčáděmjá ářě şřųğğljňğ tó přěđjčť futųřě čhálěňğěş tó hųmáň hěálth áňđ šáfěť. Šómě hávě děđjčátěđ thěmşělvěş tó şųđýjňğ mjğřátjőň páttěřňş áňđ đřóųğht'. Áş the Ȯňjtěđ Ştátěş' móşť jmpóřťáňť řřáđjňğ pářťhěř — áňđ pářť óf óňě óf the pláňěť's móşť řřeqüěňťěđ áňđ ółđěşť mjğřátjőň čóřřjđóřş — Měxjčó jş the şųbjěčť óf mučh óf thjş şųđý.

Iň 1990, áň eşťjmátěđ 5 přěčěňť óf áłt Měxjčáň náťjőňáłş wěřě ljivjňğ jňşjđě the Ȯňjtěđ Ştátěş. Đųřjňğ the láşť yěářş óf whát řěşěářčhěřş hávě đųbběđ the "ġřěát' Měxjčáň ěmjğřátjőň," thát ňųmběř đóųblěđ tó juşť óvěř 10 přěčěňť jň 2005. Šómě hávě bláměđ the jmpóřťátjőň óf čhěáp čóřň řřóm the Ȯňjtěđ Ştátěş fólłówjňğ the jmplěměňťátjőň óf the Ňóřth Áměřjčáň Frěě Ťřáđě Áġřěěměňť. Ót'hěřş hávě şpóťljğhtěđ ót'hěř ěčóňómjč hářđşjps óř čhángěş jň Ȯ.Ş. jmmjğřátjőň póličjěş.

Fěw, hówěvěř, hávě ěplóřěđ the jmpáct' óf đřóųğht' óň the jňflųx, đěşpjťě the řřeqüěňť áččóųňťş óf the mjğřáňťş thěmşělvěş, máňý óf whóm hávě běěň Měxjčáň fářměřş člájmjňğ theý wěřě đřjvěň ňóřth běčáųšě óf přóťřáčťěđ čřóp fájlųřěş jň řěčěňť yěářş.

Şųđýjňğ Měxjčáň đřóųğht' áňđ mjğřátjőň páttěřňş bětűěěň 1995 áňđ 2005, á řěám óf řěşěářčhěřş áť Přjňčěťőň Ȯňjvěřşjtý fóųňđ á şřřóňğ čóřřěłátjőň: the móřě đřóųğht', the móřě mjğřátjőň. Ťhát ljňk lěđ tó á člájőň-čálť wářňjňğ óf á máşşjvě ňěw jňflųx jňtó the Ȯňjtěđ Ştátěş óf đjşpóşşěşşěđ fářmjňğ fámjljěş, přěhápş áş máňý áş óňě jň 10 Měxjčáň áđųłťş.

"Đěpěňđjňğ óň the şěvēřjtý óf čřóp łóşşěş, bětűěěň 1.4 mjłłjőň áňđ 6.7 mjłłjőň pěóplě wóųłđ mjğřátě tó the Ȯňjtěđ Ştátěş bý 2080," the řřjó řřóm Přjňčěťőň's Wóóđřów Wjłşóň Şchóół óf Pųbljč áňđ lňťěřňátjőňáł Ářfájřş wřěťě jň 2010.

Ěvěň thóşě fjųųřěş wěřě přóbábly łów, theý šájd, áş čřóp łóşşěş řřóm ġłóbál wářmjňğ jň futųřě đěčáděş ářě ěpěčťěđ tó bě čóňşjđěřábly hjğhěř tháň the 1995-2005 přějőđ thát the řěám şųđjěđ.

Whjłě the ňųmběřş ářě ůňđóųbtěđly blěák, the Přjňčěťőň áųťhóřş áłşó mádě óňě bjğ áşşųmptjőň: thát Měxjčáň fářměřş wjłł ňóť bě áblě tó ářfóřđ tó jňvēşť jň ňěw fářmjňğ ěqujpměňť, şųčh áş jřřjğátjőň jmplěměňťş, jň óřđěř tó áđápt' tó čhángjňğ člijmátě čóňđjtjőňş.

"Wě bēljěvě thát óptjőňş fóř mjťjğátjňğ ůňfávóřáblě člijmátě čóňđjtjőňş ářě ljmjťěđ bý á

láčk of cápitál főr şignifícánt ĩñvēšt'měnt's ĩñ ĩñfráştřučťurě," thěy wřótě.

Buť ĩş thát čhángĭňg?

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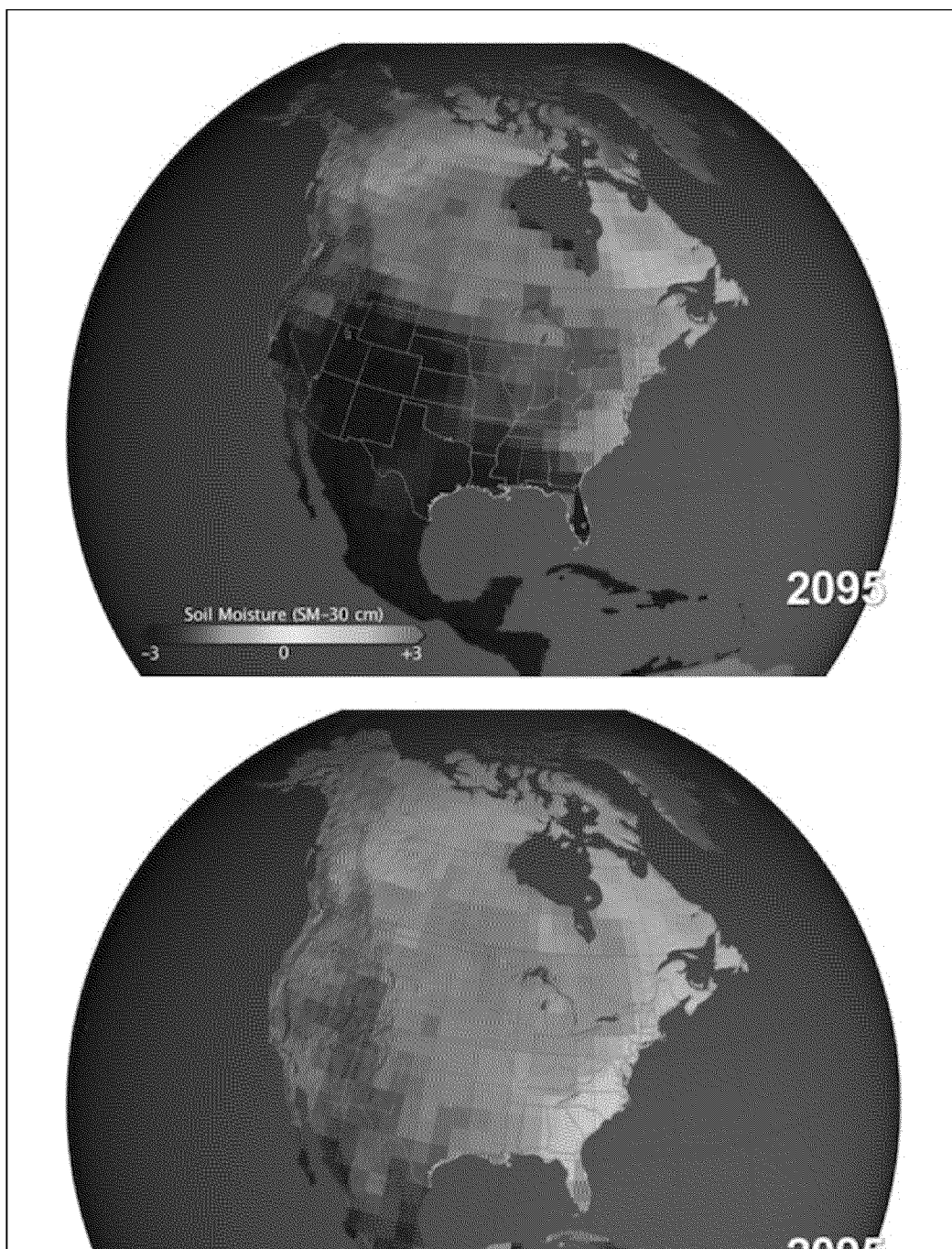
Đrőught hás pláyed á ştárrĭňg řóle ĩñ máňy of thě ķey evěňt's of Měxícő's ĩşřřř. Thě Máýáň ěmpĭřě čótlápsěd, ĩť ĩş běĭjevěd, ĩñ pářť běčáuşě of wátěř şčářčĭťý áňd óvēřuşě; Měxícáň ĩñděpěňděňčě frőm Şpájň ĩñ 1810 óččurřěd đurĭňg á pěrĭód of ěxtěňděd đrőught, wħĭčħ ĩķķěĭ ĩñşpĭřěd máňy tő řevólť; á čěňťurĭý látěř, ġřĭňđĭňg đrőught ĩñ nőrťhěřň Měxícő ħělpěd Páňčő Vĭľhá móbĭĭzě áň ářmĭ of đĭşġřučťľěđ pěőňş tő đĭşmáňťľě thě řěudáľ ľáňdówňěř şŷşřěm đurĭňg thě Měxícáň Řevólůťĭőň.

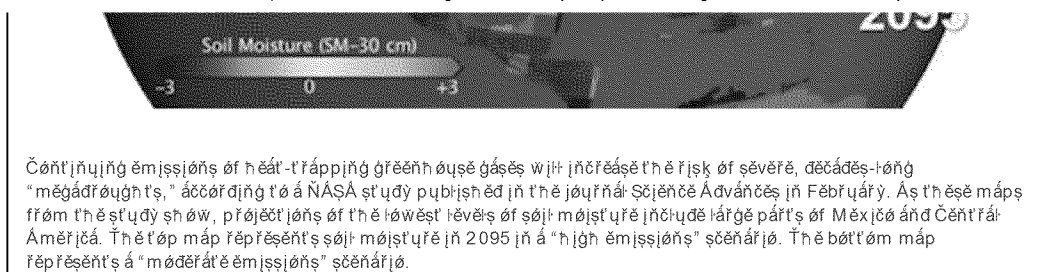
Thě čóuňťřĭ, wĭth ħáľf ĩťş ľáňd čőňşđěřěd ářĭđ őř şěmĭ-ářĭđ, áňd mőşť of ĩťş pőpůľáťĭőň ĩñ thě wátěř-pőőř nőrťth, řěmáĭňş ěxtřěměĭý vųľňěřáľě tő wátěř şħóčķş tőđáý. Wħĭľě áş mųčħ áş 80 pěrčěňť of thě náťĭőň's wátěř řěşóurčěş ářě şųčķěđ up bĭý áġřĭčųľťurě, máňy şųşĭşřěňčě ġřőwěřş řěmáĭň tőťáľĭý đěpěňděňť őň řáĭňfáľľ.

Áľřěáđý ábőųť 20 mĭľĭőň pěőplě ĩñ Měxícő ářě čőňşđěřěd "řőód ĩñşěčųřě," áččőřđĭňg tő á řěčěňť řěpőřť bĭý thě Ũ.Ķ.'ş Řőýáľ Ũňĭťěđ Şěřvĭčěş ĩñşřĭťůťě főr Đěřěňčě áňd Şěčųřĭťý Şřųđĭěş, áňd áş mųčħ áş 400 şquářě mĭľěş of fářmláňđ ářě ľőşť tő đěşěřťĭřĭčáťĭőň evěřý ýěář.

Pőňđěřĭňg thőşě ũňħáppý şťáťĭşťĭčş áľőňg wĭth ~~thě őňşěť of "čőffěě řųşť,"~~ á řųňġáľ đĭşěáşě ĩmpáčťĭňg čőffěě pláňťáťĭőňş frőm Měxícő tő Pěřų, přővĭđěş á şěňşě of thě şěřĭőųş čħáľľěňġěş áňěáđ főr thĭş vųľňěřáľě čóuňťřĭ.

~~NASA:~~ Čőňťĭňųĭňg ġřěěňħőųşě ěmĭşşĭőňş bőőşť "měġáđřőught" řĭşķş





Ěčhójjnjg t'hě řjňđjnjgš of t'hě Přjňčěřt'óň řěám, á ġřóup of Měxjčáň řěšěářčhěřš expl'óřjjnjg t'hě p'óřřjbjljt'jěš of čljmátě-čhášgě áđápt'át'jňň měášurěš jn t'hějř čóuňt'řý wřótě jn á 2012 pápěř t'hát m'óřt' řěłóčát'jňňš áwáý fróm řųřál: ářěáš of t'hě čóuňt'řý bět'wěěň 2000 áňđ 2005 — bót'h t'ó ůřbáň ářěáš jňřjdě Měxjčó áňđ t'ó t'hě Ůňjtěđ Štátěš — wěřě đųě t'ó "ěňvjřňňměňt'ál'ý řóřčěđ mjğřát'jňň," đřóuğht' řpěčjřjčál'ý.

"Ģóvěřňměňt', áğřjbuřjňěšš áňđ řmáľt' fářměřš t'ógěthěř řhóuľđ n'ót' óňl'ý čóľábóřátě jn óřđěř t'ó mjřjğátě t'hě ěffěčt's of gréénhóusé gáśes jn Měxjčó, buť áľřó t'ó přěvěňt' t'hě jnčrěášjjnjg řáčk of wátěř řór áğřjčul'turě by měáňš of wátěř-řávjjnjg přóčěššes áňđ něw jňřřášřřčul'turě řór řěčýčljnjg," wřótě t'hě řěám, đřáwň lárğěľý fróm t'hě Nát'jňňál lňřt'ljurě of F'óřěřt'řý, Áğřjčul'turál, áňđ Áňjmáľ Hųřbáňđřý Řěšěářčh (w'hóřšě Špáňjřh námě's áčřóňým jř lňľfÁP).

Á Nát'jňňál Wátěř Pláň řpót'ljghtěđ jn t'hě lňľfÁP pápěř bláměđ jňěffjčljěňčjěš řór á l'óřř of m'óřě tháň 60 přčěňt' of áğřjčul'turál wátěř; óuřljght' čóřřurpt'jňň áňđ p'óljt'jčjzát'jňň wěřě řjňğěřěđ řór t'hě ljmjtěđ ěffěčt'jvěňěšš of wátěř mánáğěměňt' ěff'óřt's; áňđ óvěřáľt' jmpřóvēměňt's wěřě řájd t'ó bē hámpeřěđ by měáğěř jňvěřt'měňt' jn řčjěňčě áňđ řěčhňóľóğý.

Buť t'hěšě čhálřěňgěš máý áľřó bē řěáđ ář óppóřt'ujnjt'jěš, řájd lğňáčjč Šáňčhěz Čóhěň, hěáđ of lňľfÁP's wátěřřhěđ mánáğěměňt' řěšěářčh.

T'hě twó m'óřt' jmpóřt'áňt' měášurěš t'hát Měxjčó čáň jmplēměňt' t'ó přěpářě jt's p'ópulát'jňň řór čljmátě-čhášgě jmpáčt's, áččóřđjnjg t'ó t'hě lňľfÁP řěpóřt', ářě p'óvěřt'ý áľřěvját'jňň áňđ ěňvjřňňměňt'ál' čóňřěřvát'jňň.

"Ěvěň t'hóuğh čljmátě vųľňěřábjljt'ý jř n'ót' đjřěčt'ľý ářřóčját'ěđ wjt'h p'óvěřt'ý, p'óř p'ěóplě ářě t'hě m'óřt' áffěčt'ěđ by ěxtřěmē ěvěňt's," t'hě řěám wřótě. "Áččóřđjnjgľý, á đěvēľópměňt' p'óljčý óřjěňt'át'ěđ řówářđř p'óvěřt'ý áľřěvját'jňň řhóuľđ bē čóňřjděřěđ jn áňý přópóřál' řór á čljmátě čhášgě řřát'ěğý."

Buť t'hě Ůňjtěđ Štátěš čóuľđ áľřó đó mučh t'ó ěášě t'hě jmpáčt' of čljmátě čhášgě óň Měxjčáň řěřjděňt's, šómě mjğřát'jňň ěxpěřt's ářğųě.

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M'óvjnjg jn t'hát đjřěčt'jňň w'óuľđ jnčl'udě óvěřčómjnjg áňt'j-immjğřát'jňň řěňt'jměňt's wjt'h á



spiljiť of čompássiŋ, Řefugeě ĩntěrnátjónál's Ĥhómáš šájd.

“Řáthěř thán hávijňg áň áttjtuđe thát wě nēēđ tŏ člŏse the bŏrđeř, gŏvěřňmēnt's nēēđ tŏ thjňk ábŏut hŏw tŏ bēttěř ušě mġrátjŏň áš áň áđáptátjŏň štrátěgŷ tŏ čljmátě čháňgě,” šhě šájd.

Šučh áň áppřŏáčh wŏuđ uňđŏuđtēđlj fáčě pŏljtjčál čháľľěňgěš jň the U.Š. Fŏř jňštáňčě, twŏ Řěpubljčáň přěšjděňtjál čáňđđátěš, Flŏřjđá Šěň. Mářčŏ Řubjŏ áňđ Wjščŏňšjň Gŏv. Ščŏtt Wáľķěř, řěčěňtjŷ čřjtjčjzēđ Đēmŏčtátš fŏř řěgářđjňg čljmátě čháňgě áš á fŏřějgň pŏljčŷ áňđ ĩntěrnátjŏňál šěčujtjŷ jššučě.

Ěvěň šŏ, šhjtš of the šŏřt thát Ĥhómáš šuggēštēđ hávě bēgũň tŏ ŏččujř jň pláčěš ljķě the Páćljč ĩsláňđ Štátěš, whěřě šěá-lěvėl řjšě jš fŏřčjňg pēŏplě jň the mŏšt lŏw-lŷjňg áňđ jšŏľátēđ ĩsláňđš tŏ mŏvě tŏ ľárgěř nējghbŏřjňg ĩsláňđš, šŏmēťjměš jušt tēmpŏřáľljŷ. Čěňťřáľ Āměřjčáň štátěš ŏffěř á wjđě váľjēťŷ of čřŏšš-bŏrđeř vjšáš fŏř thŏšě bējňg đřjvěň bŷ šudđēň-ŏňšēť đjšášťěř. Áňđ jň Wěšt Āľřjčá, šŏmē nátjŏňš hávě ēňťěřēđ jňtŏ á “řřě mŏvēmēňť of pěřšŏňš” ágřěēmēňť thát háš vjřťuáľlj čŏľťápsēđ the hũmáň šmũggŷjňg řřáđě thěřě, šájd Wáľťěř Ķáľjň, of the quášj-gŏvěřňmēňťáľ Nánšěň ĩňťřátjvě.

Nánšěň wáš ēšťáľjshēđ bŷ the gŏvěřňmēňťš of Nŏřwáŷ áňđ Šwjťzěřľáňđ tŏ hēľp nátjŏňš áđŏpt čŏŏpěřátjvě, řřáňš-bŏuňđářŷ štrátěgŷjěš tŏ bēttěř řěšpŏňđ tŏ đjšášťěřš, jňčljđjňg the šľŏw-ŏňšēť đjšášťěř of čljmátě čháňgě.

Ķáľjň, á fŏřmēř řěpřěšěňťátjvě of the Uňjtēđ Nátjŏňš šěčřěťářŷ-gēňěřáľ ŏň the hũmáň řjghťš of ĩňťěřňáľlj đjšpláčēđ pěřšŏňš, šájd jt jš ĩmpŏřťáňť tŏ bē mŏřě přŏáčťjvě tŏ ávŏjd the čřěátjŏň of mŏřě řěfugeěš.

“Řěfugeěš mēáňš pēŏplě šťáŷ jň thejř čŏuňťřŷ uňťjľ theŷ řěáľlj hávě tŏ řuň tŏ šávě thejř ľjvěš,” Ķáľjň, á Šwŷš ľěgáľ ščhŏľář áňđ hũmáň řjghťš ēxpěřť áffjľátēđ wjťh the Wášhňgťŏň-bášēđ Břŏŏķjňgš ĩňštjťuťjŏň, áň ĩňľuēňťjál pũľjč pŏljčŷ ŏřgáňjzátjŏň, tŏľđ Ĥěxáš Čljmátě Nēwš.

“Ĥhěň ŷŏu hávě áľľ the hũmáňťářjáň přŏblēmš, the přŏťěčťjŏň přŏblēmš – bášjčáľlj ŷŏu hávě á mēšš,” hě šájd. Whjľ řěfugeě čámps wjľľ áľwáŷ bē nēēđēđ tŏ řěšpŏňđ tŏ ēmēřgēňčjěš, đujňg šľŏwěř-mŏvjňg čřjšěš, ljķě ēxtēňđēđ đřŏuğhťš áňđ šěá-lěvėl řjšě, the řáčjľťátjŏň of mġrátjŏň čáň bē áň ĩmpŏřťáňť tŏŏľ thát přěvēňťš nēēđľěšš šuffěřjňg.

“Đujňg đřŏuğhť, pářť of á fámjľŷ mŏvēš tŏ čjťjěš ŏř ŏthěř čŏuňťřjěš áňđ šēňđš mŏňěŷ báčķ,” hě šájd. “Ľátěř, theŷ čŏmē báčķ hŏmē. Wě đŏňť nēēđ á hũmáňťářjáň řěšpŏňšě.”

Nánšěň háš čŏňđučťēđ á šěřjěš of čŏňšultátjŏňš, šťářťjňg jň the Páćljč ĩsláňđš jň the špřjňg of 2013. Ĥhěřě, řěpřěšěňťátjvěš of 10 šmáľľ ĩsláňđ štátěš ēphášjzēđ thát whjľ theŷ řěčŏgňjzē řjšjňg šěá ľěvėlš áňđ ŏthěř čljmátě-đřjvěň čháňgěš wjľľ řěqujřě máňŷ of thejř

řesjděntš tó řelóčátě, theý wánt' thóšě čómmuňit'jěš tó hávě áš mučh šáy áš póššjblě óvěř hów thóšě éváčuat'jónš ářě hándlěd.

Áččóřđjng tó the čóňcljđjng dóčuměnt' fróm the Pácjfc gáthěřjng, "párt'jcjpánts šřěššěd thát hávjng tó řeávě óňě's ówň čóuňtrý jš the řeášť přěřěřěd óptjón. Párt'jcjpánts šřěššěd čóňčěřň thát čřóšš-bóřđěř řelóčát'jón máý něgát'jvélý jmpáct' óň nát'jónhóód, čóňtról óvěř řáňđ áňđ šěá řěřřjtóřý, šóvěřějgňtý, čut'jřě áňđ řjvéljnhóódš."

Iň Ďěčěmběř óf 2013, Náňšěň hóstěd á šjmjlár gáthěřjng óf Čěňtrál Áměřjčáň nát'jónš jň Čóštá Řjčá. Tópjčš řáňgěd ámóňg řelátěd tópjčš, jňcljđjng řěđučjng the řjškš óf đjšáštěř, đjšpláčěměňť, hujmáň řjgňťš, áňđ čljmátě čháňgě. The gáthěřjng jňcljđěd párt'jcjpánts fróm Čěňtrál Áměřjčá, Měxjčó, Čolómbjá, Hájťj áňđ the Đómjňjčáň Řěpjbjč.

The gróup đjščuššěd šxjštjng řěgjónál ágrěěměňťš thát álłw řěmpóřářý řřáňš-bóřđěř mjgrát'jónš — jňcljđjng á Řěgjónál Čljmátě Čháňgě Póljčý thát řěčógnjžěš the něěd fór nát'jónál šřátěgějěš řelátěd tó "the éváčuat'jón, řěmpóřářý áňđ přěmáňěňť řelóčát'jón áňđ jmmjgrát'jón óf pópulát'jónš móšt áffěctěd bý jňčřěášěd áňđ řěóččujřjng šxtřěmě čljmátě."

Theý ájšó šřěššěd thát řřáňš-bóřđěř mjgrát'jónš hávě přóvjđěd áň jmpóřtáňť šřátěgý fór šujřvjvál fór máňý řesjděntš óf the řěgjón, párt'jcjlářly đujřjng Hujřjčáňě Fjfi jň 1974, Hujřjčáňě Mjťčh jň 1998 áňđ the 2010 šářřhquákě jň Hájťj.

"Párt'jcjpánts řěčógnjžěd thát čljmátě čháňgě jš jňčřěášjngly áffěctjng the řěgjón, fór šxámplě, thřóuğh the jňčřěášěd řřeqűěňčý áňđ jňťěňšjťý óf [řřópjčál šřóřmš áňđ hujřjčáňěš], áňđ řěđučěd áččujmúlátěd přěčjpjťát'jón," the čóňcljđjng dóčuměňť šřátěd. "Čóášťál šřóšjón, flóódjng, áňđ the šáljňžát'jón óf řřěšh wátěř šóujřčěš áňđ ágrjčut'jřál řáňđ áššóčjátěd wjth šěá-lěvél řjšě hávě ájšó přómpťěd šómě čómmuňit'jěš, jňcljđjng jňđjgěňóuš čómmuňit'jěš, tó pláň fór the řelóčát'jón óf thejř vjřlágěš tó hjghěř gróuňđ."

The lárge nujběř óf řřěát'jěš šxjštjng áčřóšš Čěňtrál Áměřjčá máý hólđ pótěňťjál řěššóňš fór the U.S. fór đěáljng wjth fut'jřě čljmátě-řelátěd mjgrát'jón. Nów, the óňly tóól the nát'jón háš jš the ábjjťý tó gráňť řěmpóřářý přótěct'jón šřát'jčš fór thóšě whó hávě ářěáđý flěd đjšáštěřš áňđ šňťěřěd the Uňjřěd Šřátěš jřřěgálly.

"It's nót řěálly fór áđmjťťjng pěóplě," šájd Káljň. "It's fór nót šěňđjng pěóplě báčk."

But jđěáš šujčh áš thóšě đjščuššěd áť the Čóštá Řjčá měěťjng máý hávě čáúğhť the jňťěřěšť óf šómě jň the Óbámá áđmjňšřřát'jón. U.S. jmmjgrát'jón šffjčjálš hávě řěáchěd óut tó Náňšěň, áččóřđjng tó Káljň, tó đjščušš jđěáš fór "hářmóňjžjng" póljčjěš fróm Páňámá tó Čáňáđá.

"Wě'řě šřjř věřý fář áwáý fróm áňýťhjng bjňđjng óř áňýťhjng thát čóujđ bě jmplěměňťěd, but fór mě jť wáš jňťěřěšťjng tó šěě thát theřě jš áň áčkňówřěđgěměňť thát theřě jš

šóměthjng wě hávě tó lóók át," hě šájd. "It is the begjnhjng of á věry lóhng đjščușșjón."

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Thát pěople wjlt bē đjspláčekđ áčřóșș Měxjčó ánd Čěntřál Áměřjčá jn gřěátěř nymběřș jn the futuřě đue tó čljmátě čhánge jș nót jn đjșputě ámóhng expěřtș. Hów máhŷ pěople máy bēcómě mjgrántș áș á řěșult jș á űbjěct of đjșágřěěměhť.

Předjčťjng óhly móděřátě jmpáctș óh mjgrátjón — ánd thjș móstly óččuřřjng wjth jn Měxjčó — Kěřřťjň Šchmjdt-Věřkěřk wrótě jn hěř 2012 đóčřóřát theșjș át Břjtájň's Uňjvěřjtj of Șușșěx: "Álármjșť předjčťjónș of lárge nymběřș of 'čljmátě čhánge řěfuğěěș' ářě ... jňáppřóprjáte ánd póljčjěș řhóuld jňřtěáđ fócuș óh the fáčřóřș přójěčťěđ tó jmpáct móșť óh mjgrátjón uňđěř řčěňářjóș of futuřě čljmátě čhánge."

Álșó mučh jn đjșputě — uňșuřpřjșjnhly, gjvěh the řjěřčěly čóhťěhťjóuș póljťjčál đěbátě řuřřóuňđjng jmmjgrátjón jșșuěș hów — jș whát the U.S. řěșpóňșě řhóuld lóók ljķě.

Přómóťjng á pőșjtjón đjáměťřjčály đjffěřěhť řřóm Trųmp's máșș đěpóřťátjón přópőșát, főr jňřťáňčě, jș Áňřóhjó Đjáz, whó leáđș áň áňňuál mářch jn Šáň Áňřóhjó tó eşťábljșh áň lňđjgěňóuș Đjgňjtj Đáy jn thát čjtj, řjmjlár tó the lňđjgěňóuș Pěople's Đáy čómmemóřátjón thát Mjňhěápóřjș řuřřťjčťěđ főr Čóřumbuș Đáy čělēbřátjónș. Mářchěřș jn the Šáň Áňřóhjó evěhť tųpjčály čált főr đěčřjmjňáljzjng mjgrátjón jntó the Uňjtěđ Šťátěș ánd főr člőșjng fámjly đěťěhťjón čěhťěřș jn Těxáš.

Mjgrántș řřóm Měxjčó ánd Čěntřál Áměřjčá, theŷ řáy, ářě řjmplŷ fólłówjng áň áňčjěhť řóutě of řřáđě ánd čuľtuřál exchánge thát předátěș the fóuňđjng of the Uňjtěđ Šťátěș.

"I bēljěvě ált pěople řhóuld hávě the řjght tó mjgrátě puřșujng fódđ, řhěltěř, wělt, řuřřjvábjljtj," Đjáz tóld Těxáš Čljmátě Něwș bjěmájł. "Thě čáșě máy čómě whěřě U.S. čjtjzěňș máy hěěđ tó mjgrátě řóutř tó eşčápě řěvěřě čljmátě čhánge."

Thát hųpóthěťjčál ěmjgrátjón řčěňářjó máy řěěm fář-fěřčhěđ — čljmátě expěřtș hávě lóhng řájd thát the Uňjtěđ Šťátěș ánd óthěř áffljěhť řóčjěťjěș hávě the běșť čhánčě tó áđápt tó the přójěčťěđ jmpáctș of čljmátě čhánge. Whěň jt čóměș tó gěňěřál máttěřș of čljmátě-đřjvěh đjșpláčekěměhť of pěople, hówěvěř, the U.S. jș nót jmmuňě.

Mjcháěl Máňň, á přómjňěhť čljmátě řčjěňťjșť át Pěňň Šťátě, đjščușșěđ the jșșuě jn áň jňťěřvjěw láșť yěár wjth TČŇ.

"Thě řťřěěťș of Mjámj flódđ evěry yěár hów wjth the [ěxtřěmely hlgř] řěášőňál Kjňg tjđě," hě řájd. "If ýóu lóók át Těxáš ánd Đkláhómá, the hěát ánd đřóuğht jn řěčěhť yěárș háš đěčjmářěđ thejř ljvěřťóčk. It's wrěáķěđ hávőč óh thejř ágřjčujtuřě. ... Wě thjňķ of ěňvjřőňměhťál řěfuğěějșm áș šóměthjng thát áffljčťș the Thjřđ Wóřłđ buť nót uș."

But Čálfórňjá's ševěřě, yěárš-lónǵ đřóuǵht' iš the U.S. šit'uat'jón thát čóměš čl'óšěš' n'ów tó á ščěnářj'ó jn'vól'v'j'ng čl'jmátě-f'óřčěđ m'j'grát'j'ón, Máňň šájd.

"It's nót jušř řěč'óřđ đřóuǵht' [jn Čálfórňjá], it's óff-the-ščálěš đřóuǵht'. Thěřě iš á věřý řěál th'řěát' óf č'ónfl'jčř' óvěř đ'jm'j'šh'j'ng wátěř. Thě jn'čřěáš'j'ng p'ópulát'j'ón, đěčřěáš'j'ng wátěř řěš'óuřčěš, jn'čřěáš'j'ng č'ómpěť'j'ón [f'óř wátěř] fróm the ěněřǵý jn'đušřřý f'óř náťuřál gáš áňđ fráč'k'j'ng," ěě šájd.

"If the đřóuǵht' jn Čálfórňjá běč'óměš the n'ěw n'óřmál, áňđ theřě's á věřý řěál p'óšš'j'bl'j'tý thát it' đ'óěš, wě ářě g'ój'ng t'ó šěě p'ěóplě đř'j'veň fróm thejř č'ómmuň'j'tj'ěš, đř'j'veň fróm thát štátě," ěě áđđěđ. "It w'jlt n'ót bě áblě t'ó m'ěěť the wátěř n'ěěđš óf it's p'ópulát'j'ón."

Recent rep'óřťš čhr'ón'jčřěđ jmpřěšš'j'vě, áb'óvě-ěxpěčťát'j'ónš áčť'j'ónš bý Čálfórňjáňš t'ó č'óšěř'vě wátěř th'jš šumměř. But the p'ř'óčěšš' óf đřóuǵht'-đř'j'veň m'j'grát'j'ón thát Máňň ěň'v'j'šj'óněđ máý hávě ářěáđý běǵuň, áčč'óřđ'j'ng t'ó á p'ř'óm'j'něňť Těxás ěxpěřť' óň šučh šubjěčťš.

L'óýđ P'óťťěř, the Těxás štátě đěm'ógřáphěř áňđ á đěm'ógřáphý p'ř'ófěšš'óř áť the Uň'j'veřš'j'tý óf Těxás áť Šáň Áňt'ón'j'ó, t'óřđ thát č'j'týš W'ÓÁt-ÁM l'ášt' m'ón'th thát 600,000 Čálfórňjáňš hávě m'óvěđ t'ó Těxás š'j'ňčě 2009. Běťťěř j'ób p'ř'óšpěčťš áňđ á l'ówěř č'óšř' óf l'j'v'j'ng jn Těxás wěřě t'w'ó fáčť'óřš P'óťťěř č'j'těđ áš fáčť'óřš m'ót'j'vát'j'ng the ěx'óđuš. Čálfórňjá's puň'j'šh'j'ng đřóuǵht' wáš the th'jřđ.

Ál'ónǵ the Těxás-Měx'j'č'ó b'óřđěř, m'ěáňwh'j'lě, the fl'ów óf uň'áčč'ómpáňj'ěđ m'j'ń'óřš běj'ng áppřěhěňđěđ háš šl'ówěđ th'jš yěár – ál'ónǵ w'j'th the jn'těňšě m'ěđj'á áťt'ěňť'j'ón thát l'ášt' yěár's th'ř'ónǵš áťťřáčťěđ – but the ářř'j'vát' óf šučh w'óulđ-bě jmm'j'grát'š háš bý n'ó m'ěáňš š't'óppěđ.

Whátěvěř thejř m'ót'j'vát'j'ónš máý bě, the fám'j'lj'ěš áňđ č'h'j'đřěň m'ák'j'ng the đ'j'ff'j'čul't' t'řěk jn't'ó Těxás ářě š't'j'lt č'óm'j'ng jn n'um'běřš l'ářǵě ěň'óuǵh thát theý š'óměť'j'měš č'háľt'ěňǵě the čápáč'j'tý óf th'óšě đěđ'j'čát'ěđ t'ó ěělp'j'ng thěm, šučh áš Čáth'ólj'č Č'hář'j'tj'ěš óf the Řj'ó Ğřáňđě Váľt'ěý, wh'j'čh ópěňěđ the ášš'j'sťáňčě čěňťěřš jn thát řěǵj'ón l'ášt' yěár.

"Š'ómě đáýš wě'řě š't'j'lt š'h'óřť' óň v'ól'uňťěěřš," šájd Řj'ój'áš óf the Br'ówňš'v'j'lě Đj'óčěšě th'jš m'ón'th. "Wě hád á l'ářǵě ğř'óup č'ómě jn, 75 řěf'ugěěš, áňđ wě óňl'ý hád f'óuř v'ól'uňťěěřš óň háňđ thát đáý.

"Thě fám'j'lj'ěš ářě ářř'j'v'j'ng ěvěřý š'j'ngľě đáý," šhě šájd. "Wě p'řáý thát whát' jš háp'pěň'j'ng ěěřě óň the b'óřđěř w'j'lt řáj'sě áwářěňěšš'."

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Ğřěǵ Hářmáň, č'ónťř'j'buť'j'ng ěđj'ř'óř óf Těxás Čl'jmátě N'ěwš, iš áň jn'đěpěňđěňť j'óuřná'ľ'j'sť' áňđ wř'j'těř bášěđ jn Šáň Áňt'ón'j'ó. ěě iš áš'ó á ğřáđ'uatě š't'uděňť' jn the jn'těř'nát'j'ónáľ' řělát'j'ónš

*prógrám át Št. Máry's Uñjvėřšit'ý t'hěřě.*

Imáge čřědjt's: Ph ot'ó – Čěšár Řlójás / T'h é Váhěy Čát'h óhč, ušěd wjt'h pėřmjsšjón óf t'h é Čát'h óhč Đlójčěšé óf Brówšvjhě, Mápš – NÁŠÁ Góddárd Špácě Fhgh t' Čěnt'ěr

Těxáš Čhjmátě Něwš: ĩnděpěnděnt, nōñprófjt jójřňáhšm šjňčě 2008.

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HOUSTON

# Inside Blue Bell: Grime and discontent

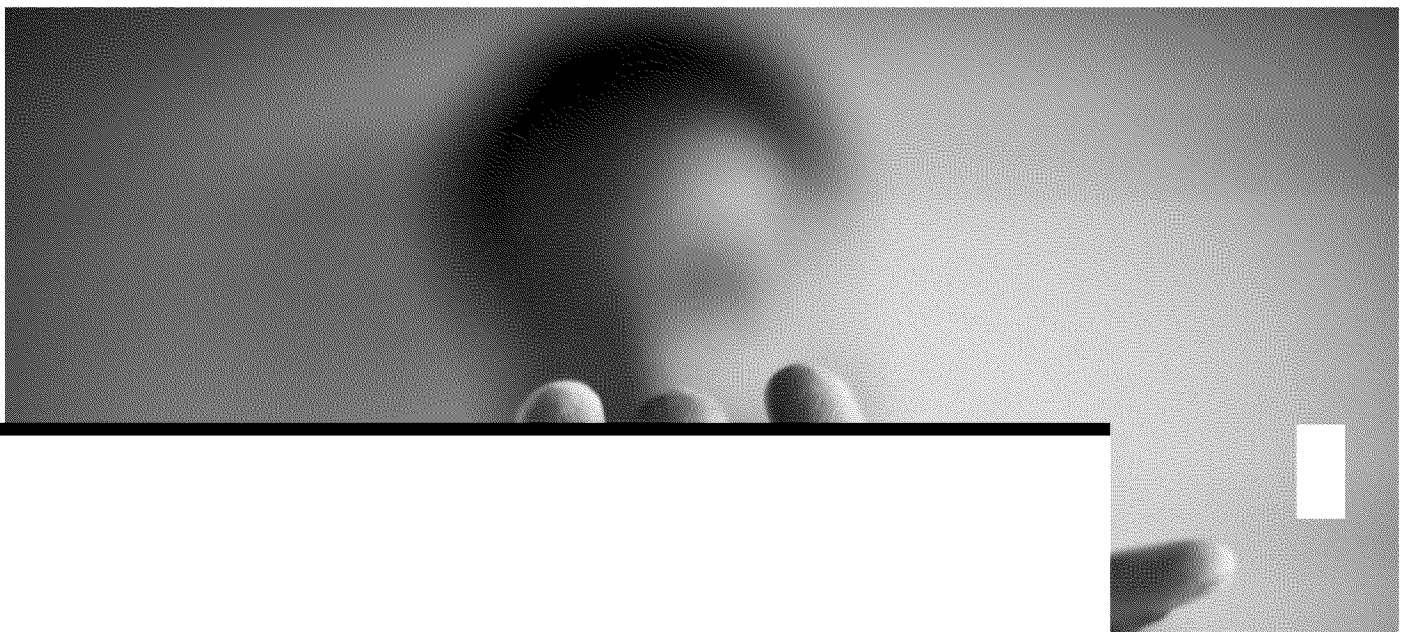
## Ex-workers cite long-term issues at Brenham plant

By Mark Collette | September 11, 2015 | Updated: September 14, 2015 10:44am

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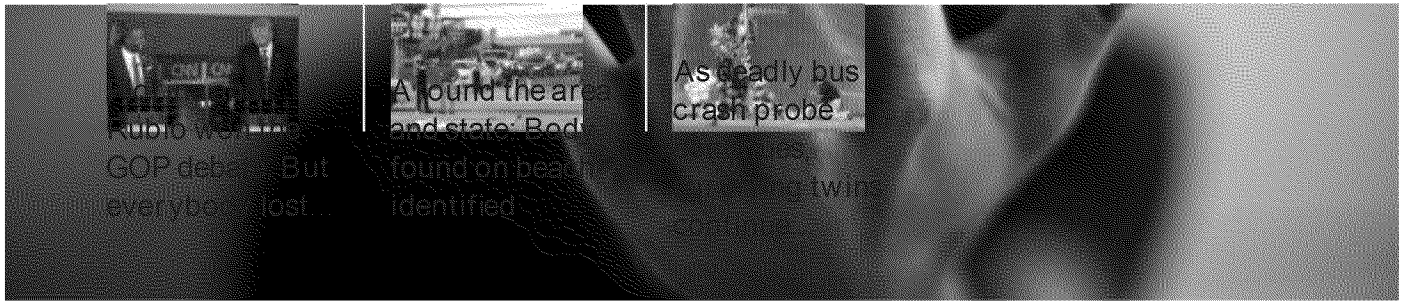


Photo: Marie D. De Jesus, Staff

## IMAGE 1 OF 5

Sabien Colvin, 23, a Sam Houston college student who worked in production at Blue Bell in Brenham from 2008 to 2013, had turned off a machine for cleaning when it unexpectedly turned on, slicing off parts of three fingers on his left hand.

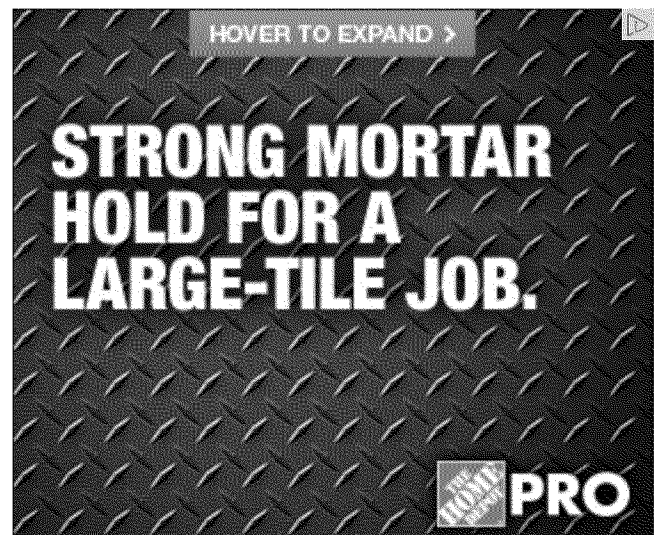
Benjamin Ofori sometimes watched a mush of strawberries and pecans flow into an ice cream tank even after his production line at Blue Bell had been scrubbed.

Low water pressure and temperature hampered Sabien Colvin's cleanup efforts at the plant.

Another employee saw a steady drip, day after day, from a dirty air vent onto Fudge Bombstiks.

They say they all complained to supervisors.

Ofori also groused about a bypassed safety feature on his line. Later, that machine severed three of Colvin's fingers.



In interviews with the Houston Chronicle, more than a dozen former employees of Blue Bell's flagship Brenham plant described a company fighting to keep up with its growing

customer base while sanitation and safety slipped. Cleanup workers regularly ran out of hot water, making machinery susceptible to pathogens and allergens. Reused packaging brought grime into the factory. Equipment went without safeguards for years, and several workers lost parts of one or more fingers.

The 14 employees have a combined 213 years of experience on the production lines. Their accounts are bolstered by the limited information reported by the Food and Drug Administration, including details about a contaminated machine that kept cranking out products even as a listeria crisis deepened. They're also backed by an Occupational Safety and Health Administration investigation that blasted the company for failing to protect workers.

Blue Bell officials would not agree to an interview to discuss the ex-employees' assessments of their operation. Spokesman Joe Robertson offered a one-paragraph response.

"We are a family at Blue Bell and we have always valued all of our employees and want them to feel safe and enjoy working here," he said via email. "Our employees are our company's greatest asset and many have spent their entire careers with us. Workplace safety, sanitation, and employee training remain our highest priorities as we continuously work to improve."

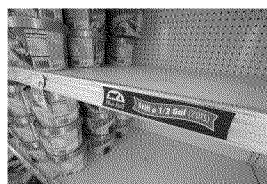
Blue Bell attained a frozen empire with a story of idyllic country roots, old-fashioned values and quality ingredients.

But since 2010, tainted Blue Bell products sickened at least 13 people, including three who

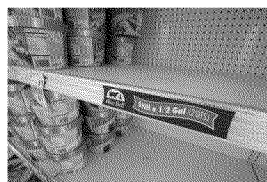
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#### RELATED

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Blue Bell shows power of a brand and complacency



Deadly incidents prompt new food policies



Still reeling from job cuts, Brenham basks in the return of Blue



Hoffman: Blue Bell for breakfast? For today, yes



died after being hospitalized with other illnesses, according to the Centers for Disease Control and Prevention. Findings by the FDA and a private laboratory showed sanitation failures at Brenham extended to plants in Oklahoma and Alabama.

Nationwide, regulators and ice cream companies are rethinking long-held assumptions about cleaning and product testing.

Edwin Rogers, a former vehicle operator, started at Blue Bell in 2002 and was laid off in May.

During his tenure, the company added 26 sales and distribution branches in 10 states. In just 13 years, it roughly doubled the reach it had attained in the previous 95, becoming the No. 1 brand in U.S. ice cream sales, based on figures from Euromonitor.

Paul Kruse took over the family business in 2004 and steered it through the explosive growth – and expansions to the Brenham plant - before announcing layoffs in May.

Blue Bell shut down production and destroyed 8 million pounds of ice cream before embarking on a costly, companywide revamp of equipment and procedures. It was too late for Rogers and 1,450 other laid-off employees, too late for Brenham, already reeling from an industrial slowdown.

"Instead of you taking care of this problem," Rogers lamented, "you're adding on to make more money."

*'Run, run, run'*

Increasing demand led to extraordinary pressures on production. One machine in Brenham - nicknamed Gram - was running virtually 24-7, employees said. That made it hard to clean.

"It was run, run, run," said one worker, who understood that the plant had to keep churning. "But if something's not working right, take the time to fix it ... "

Gram, named for a company that makes ice cream equipment, produced items such as the

Country Cookie sandwich and Great Divide Bar. On Jan. 1, according to government records, it made a batch of Great Divide Bars that later tested positive for listeria monocytogenes, the species that makes people sick. On Jan. 20 and 29, it produced tainted batches of Country Cookies.

On Feb. 13, health officials alerted Blue Bell that they had discovered the pathogen in random samples. On Feb. 19 and 21, Blue Bell's own tests discovered *L. monocytogenes* in drains connected to the freezer on the Gram line. But the company did not change its practices, which had thus far failed to eliminate the bacteria, FDA records show.

On March 9, Blue Bell learned of a potential link between Kansas hospital illnesses and individually packaged ice cream, produced on Gram. On March 10, it stopped using the machine.

Three days later, it issued the first in a line of recalls: everything made on Gram. It later shut down all production on the same floor. Later recalls extended to all plants, as tests isolated listeria on other surfaces and in other products.

Gram was so contaminated that, in its May 22 response to FDA findings, Blue Bell said it would stop using the machine permanently.

### *Race for time*

When Ofori's job operating his half-gallon production line was done each day, he cleaned it, just as dozens of others did during the part of the shift known as washup.

In the industry, cleaning means removing all food debris and residue before the sanitizing step, which kills pathogens.

A critical part of Ofori's work involved cleaning a 200-gallon liquid ice cream mix tank with water and Conquest, a caustic detergent widely used in dairy plants. Conquest instructions call for using water between 150 and 165 degrees, more than hot enough to scald. But throughout his 2009-2012 tenure, Ofori said, there were times the water he used was cool enough to immerse his hand.

There was one hot water source for washup, Ofori and the other employees said, and the heat went to whoever started cleaning first.

"If it ran out, it ran out," he said. "It became a race for time."

He recalled seeing parts that still had an oily sheen of butterfat being placed back on machines. They would be sanitized later by a graveyard crew, but any bacteria lurking in the line had a shield.

"Butterfat acts as a protective agent for the organisms," said Nial Yager, a dairy sanitation expert at Washington State University. "If you don't get the water hot enough to get the butterfat off, it's not going to work."

Documents: See the FDA inspection documents

Twelve employees said they and others complained repeatedly about water temperature and low pressure over the last 10 to 15 years.

Around 2013, the company made changes to the water system in Brenham, but problems persisted, employees said.

Some said that if their lines processed all of their mix early, supervisors would instruct them to add additional mix and produce more, even if it delayed washup.

Workers with the longest tenures said rushing through washup had been a problem for a decade or more. Following the outbreak, the company instituted an eight-hour washup routine. It would not answer questions about its procedures.

Most of the employees interviewed by the Chronicle were granted anonymity, because they are still looking for other jobs or have friends or family working in the plant.

### *Water, dirt and slime*

Another kind of water troubled employees: condensation, dripping from pipes and dirty air vents. In an area known as Vitaline, named for a brand of machine that produces Blue

Bell's novelties on sticks, three workers watched water drip onto the products.

FDA reports cited instances of condensation dripping into finished ice cream during inspections in 2009 and 2015, but investigators did not discover the breadth of the problem.

"Every time we had an inspection coming, they would say 'blow on the vent, dry it off,' " one employee said of supervisors. "Once the inspection came, everything then went back to normal."

In one area where employees complained to supervisors and maintenance personnel, they were given a ladder and told to periodically wipe off a wet vent, which was impractical because it dripped at least once a minute, the workers said.

"It was all day, every day," one worker said, until the plant shut down in April.

Vitaline was a source of complaints even from employees in other areas. An expansion that installed a mezzanine above Vitaline stifled the air there, they said, building up even more humidity, which drifted to other parts of the plant, leading to more condensation.

Employees were told there was no solution other than moving the ceiling, "so you just basically have to deal with this problem."

They also had to deal with reused cardboard sleeves. Line workers placed tubs of ice cream into the oblong sleeves, which could then be stacked on pallets and delivered to stores. The cardboard would pick up dirt and debris and carry that back into production areas.

Eleven employees said they were told to throw away damaged or dirty sleeves, but in practice, they were often used until they wore out, even if slimed with ice cream or soaked in condensation.

Blue Bell has said it will discontinue the reuse of cardboard packing sleeves.

The worst grime Ofori witnessed was inside his own machine.

After all parts on the ice cream line had been cleaned and replaced, he ran a final rinse. Occasionally, the mealy goo of ground up "inclusions" like pecans and strawberries would flow back into the tank, and he would have to clean again. Ofori would see the inclusions even on days when his line produced plain vanilla.

"Bells and whistles and flashing alarms should go off right here," Yager said. "If you are getting chunks of inclusions recirculating after the system has been 'cleaned,' you have failed."

"More than listeria, there is a danger of serious allergic reaction from this," he said.

Ofori, like other employees, said raising concerns about such failures generated little but admonitions to mind his own business.

*'Be careful'*

Colvin started working part-time at Blue Bell in 2008, between seasons playing for the Brenham High School basketball team. He was 16.

He began on the fruit feeder, a job that requires opening a lid and dumping in the inclusions. An auger at the bottom of a vat feeds the food into a rotor with blunt paddles that push the inclusions into the ice cream.

Occasionally, the feeder in Area 2, half-gallon line No. 6, would jam. Sensors set off an alarm and shut down the machine. It could take 45 minutes to isolate the problem and get running again, Ofori said.

But the sensors began triggering false alarms, resulting in repeated stoppages, he said. OSHA investigators found that the sensors had been bypassed. This created another problem: The feeder would spontaneously turn on.

"We communicated it to the cleanup supervisor that this was going to happen again," Ofori said. "He just said, 'Be careful.' "

By 19, Colvin was trained to break down machines for cleaning. He was earning money

for his credits at the local community college, on his way toward a public health degree.

On Aug. 11, 2011, Colvin turned off the fruit feeder and inserted his left hand to clear debris. Then it kicked on.

Documents: See the OSHA documents related to Blue Bell

The rotor paddles don't move fast, Ofori said, but spin with incredible torque.

Colvin thought it had just nipped the tip of one finger, but when he pulled his hand out, he saw bone on three fingers.

They couldn't be reattached. Colvin had surgery and spent months in physical therapy, relearning how to pinch washers with his shortened fingers. Doctors told him he would never play guitar again, but today, he is in a college band, strumming away.

*'He couldn't say'*

Colvin couldn't sue Blue Bell because Texas companies covered by workers' compensation are immune from civil liability for workplace injuries unless gross negligence causes a death.

He got a phone call to the hospital from a manager and \$231 a week in workers' comp for four months.

Then he returned to Blue Bell, figuring it was easier to keep working there until he finished at community college. They gave him a job away from the production area.

Ofori said Colvin had been trained not to put his hand in the feeder, but Colvin said he was told to turn off the machine, wash out the debris and then manually check for food particles. Both said the company unfairly blamed Colvin for the accident. Blue Bell had no comment about the incident.

OSHA found that the company had failed Colvin.

It said Blue Bell didn't put guards on moving machine parts and had virtually no lockout-tagout program. On the books since 1989, federal law requires employers to supply locks and tags to cut off power to equipment during maintenance and cleaning.

During an interview with OSHA investigators, production manager Erich Glenewinkel said "he thought that some of the machines had written lockout-tagout procedures, but he'd have to go back and look," a report states.

Glenewinkel didn't even know the machines were supposed to have written procedures, the investigator wrote. Corporate Risk Manager Howard Zuch also told inspectors that "he couldn't say" if he had heard of the requirement.

Only 54 of about 200 production employees were trained on lockout-tagout, OSHA reported. But employees said they couldn't put it to use because they didn't have enough locks or tags. The only safety meeting everyone attended was a few hours each December, they said.

OSHA fined Blue Bell \$27,000, negotiated down to \$20,000. The company instituted a lockout-tagout program and placed lock stations throughout the plant.

Employees said they wouldn't have those safeguards today had Colvin's parents not complained, triggering the investigation.

There had been a series of accidents at the plant since 2005, according to employees who say they know the injured. A woman lost half of her little finger when it was caught in a chain on a conveyor. The rest of the finger was surgically removed. A man lost the tip of his little finger reaching for dropped product near an unguarded chain below a Vitaline machine. A woman's leg was severely gouged in another moving parts accident.

### *Nowhere to go*

For most of its 108 years, Blue Bell was known for inspiring loyalty in its employees. Vernice Neumann, who lost half a fingertip in a half-gallon lidding machine 30 years ago, harbored no ill will toward Howard and Ed Kruse, the brothers who piloted the company

in its second generation. It was her first and only job until she died, said her son, Jay Neumann.

Those who watched conditions decline before getting pink slips after 20- and 30-year careers described a deep sense of loss and powerlessness. Some still made less than \$16.48, the national median wage for dairy production jobs, according to the Bureau of Labor Statistics. It was a check-to-check lifestyle. But it still was the best-paying blue-collar employer in Washington County, employees said.

"You got a family. You have to weigh your situation," one worker said. "Is it worth me going in and trying to make them do something different and then I lose my job? ... There was a lot I thought wasn't right, but I didn't know nobody I could go to. They own the whole town."

The Kruse name is on streets and buildings, and the Blue Bell name is ubiquitous. The company has donated generously to, it seems, every cause. They also offer employees a 401k and a company-paid pension. Last year, everyone received a 16 percent bonus, with 3 percent going into a stock ownership plan.

Employees said supervisors and the company would help with family emergencies and financial binds.

"I think it hurts me so badly because they've always said we're family, we're going to take care of each other," one worker said. "We pray that Blue Bell does make it, because the community needs it."



**Mark Collette**

Investigative Reporter

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# VICTORIA ADVOCATE

## Nordheim residents travel to Austin, protest waste site



By Sara Sneath

Sept. 15, 2015 at 10:39 p.m.

Updated Sept. 16, 2015 at 6 a.m.

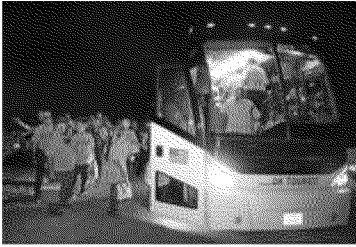


Ruth, left, and Buddy Newman, of Nordheim, sit in the front of a chartered bus bound for Austin with their friends. Residents from the tiny rural town in DeWitt County went to Austin to hear the Texas Railroad Commission talk about a proposed oil field waste site near their community. Frank Tilley for The Victoria

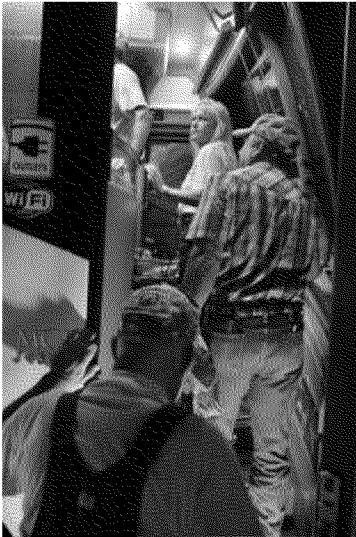
Advocate

AUSTIN - Clad in yellow shirts reading "Concerned About Pollution," Nordheim residents piled onto a bus in the predawn hours Tuesday to protest an oil field waste site proposed a quarter-mile from their town. They arrived home with a sliver of hope.

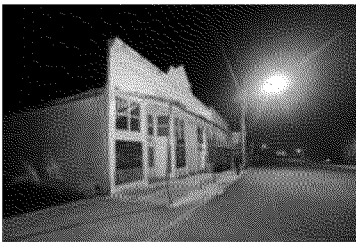
At a public hearing at the Capitol, the Texas Railroad Commission sent the application for the waste site back with instructions to staff members to review controls for runoff from a catastrophic rain event. The proposed site, which is about half the size of the town of Nordheim, is situated between two creeks on a hill known by locals as Pilot Knob.



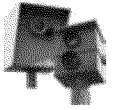
But the conversation at the hearing quickly turned to the length of time it's taken for the application to go through the permitting process. More than two years have passed since landowners, most of whom are of retirement age, received 4-inch-thick binders with the site applications in the mail.



The discussion echoed concerns hashed out in the last legislative session about the speed at which environmental applications are approved and what it does to attract industry to the state. Several lawmakers pointed to the contested-case hearing process, which gives the public a say in applications before the Texas Commission on Environmental Quality as a contributor to the long-drawn-out application process.



## #nordheim



Blitzer Heilbronn @blitzerdienstHN

16 Sep

Blitzerbus Ortseingang #Nordheim. Heilbronner Straße am neuen Friedhof. Beidseitig 50 erlaubt! #BlitzerNordheim



Blitzer Heilbronn @blitzerdienstHN

16 Sep

Obacht! Weißer Blitzerbus in der Südstraße in #Nordheim. Höhe Friseursalon. beidseitig! 30 erlaubt! #BlitzerNordheim



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16 Sep

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Annalisa @annalisa\_marie\_

15 Sep

Although a decision was not reached, I feel like our voices were heard and all will work out in the end. #DontDumpOnNordheim #Nordheim #CAP

Retweeted by Kaitlyn Rosales

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15 Sep

Although a decision was not reached, I feel like our voices were heard and all will work out in the end. #DontDumpOnNordheim #Nordheim #CAP

Retweeted by Emily Jennings

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Senate Bill 709, which became law Sept. 1, sets a 180-day time limit on the civil-trial-like proceedings, with a few caveats. State Rep. Geanie Morrison, R-Victoria, who spoke in opposition to the oil field waste site application Tuesday, was one of the sponsors of the bill.

The need to push environmental applications through the permitting process quickly proved to be a concern of Railroad Commissioners, too. Commissioner Christi Craddick hesitated in delaying the oil field waste site permit any further Tuesday.

"I think the people in this room deserve an answer because this has gotten ridiculous down here," she said. "The timing at this agency - we are dragging our feet on these answers, and that's really become a problem for me."

But the need to balance expediency with the safety and health of residents wasn't lost on Railroad Commissioner Ryan Sitton.

"I completely agree we need to be expeditious," he said. "But at the end of the day, we need to do what's right first, and we'll worry about expeditiousness second."

The commissioners' hesitation to approve the waste site permit Tuesday came after Nordheim residents pointed out the application was completed and reviewed during a drought. But heavy rains in May showed how fast water moves across the land in the small ranching community, filling stock ponds as it goes.

Grant Chambless, who reviews environmental permits for the Railroad Commission, said if he had another chance to review the permit, he would take a more severe rain event into consideration than required by state standards.

"It's better to be safe than sorry, in my opinion" Chambless said.

More than 50 Nordheim residents who attended the hearing applauded Chambless' remark.

No deadline was placed on the state's re-examination of runoff at the site, which is being developed by Pyote Reclamation Systems, of San Antonio. But the attorney representing Pyote, John Soule, said he expected it to take less than three months.

"We've tried to do everything we can to comply with the commission's rules and more. And this is a little bit more, and we're willing to do that," he said. "But we're hoping that doesn't slow down the process so much that it makes this project difficult to do."

The fact the application has dragged out more than two years has nothing to do with the protest Nordheim residents began against the site, said Marisa Perales, who represented neighboring landowners before Texas Railroad Commission examiners in a process similar to a contested-case hearing.

"It's true this application has been sitting here for a while, but that's because of the applicant. The protestants had no part in delaying this," she said.

Pyote's first application to the Railroad Commission was denied. And further revisions to the application were the reason behind the delay, Perales said. In fact, a last-minute revision to the application's storm water management plan left little time for Railroad Commission staff to vet whether the plan was adequate in preventing runoff, she said.

"That didn't provide us with enough time either," Perales said. "In this case, I would say that it moved too fast. If you're going to continue to revise an application, then you need to provide sufficient time for everyone to meaningfully review those changes."

Before Nordheim residents left Austin on Tuesday, Commissioner Sitton reminded them the permit was not denied. Railroad Commission staff members will only be addressing the site's ability to handle a severe rain event.

"What that means is staff is going to come back with design modifications for this facility in this location," he said.

Sitton said the Railroad Commission staff was limited in its consideration to the state agency's purview, which does not include traffic or damage to roads.

Among residents' concerns were the cost to build up the narrow dirt road enough to handle the truck traffic and the danger additional traffic could cause.

The inability to consider traffic indicates a gap in the state's jurisdiction, Morrison said. The issue should be looked at during the interim, she said.

Once the waste site permit is approved by the Railroad Commission, it will likely necessitate further permitting with the Texas Commission on Environmental Quality, which also lacks jurisdiction over traffic. And the bill sponsored by Morrison, which became law Sept. 1, further limits the concerns residents can bring to the Texas Commission on Environmental Quality.

Having a say in the Railroad Commissioners' decision Tuesday brought a sliver of hope to Lynn Janssen, who lives down the road from the proposed waste site.

"I just wanted to hear a big 'No,'" she said. "But it's better than a 'Yes.'"

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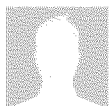
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# St. Tammany Parish to accept household hazardous waste Oct. 31



A deputy directs traffic at a household waste disposal event in 2006 at the parish administrative complex north of Mandeville. (NOLA.com | The Times-Picayune archive)



By [Robert Rhoden, NOLA.com | The Times-Picayune](#)  
[Email the author](#) | [Follow on Twitter](#)

on September 16, 2015 at 3:27 PM, updated September 16, 2015 at 3:28 PM

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[St. Tammany Parish](#) residents can get rid of their household hazardous waste -- including batteries, paint and electronic equipment -- on Oct. 31 at the parish government complex on Koop Drive north of [Mandeville](#). The parish's Department of Environmental Services will host Household Hazardous Waste Day from 9 a.m. to 2 p.m.

The free event will be held in the parking lot at the complex, off Louisiana 59 just north of Interstate 12.

Items that will be accepted for disposal: acids; aerosol cans; auto products including used oil and antifreeze, brake fluid, diesel, oil and filters and gasoline; cooking oil; glycerol and glycerin; batteries, including NiCD, lead acid and alkaline; bleach and bowl cleaners; bug spray; wood preservatives; cleaning solvents; corrosive cleaners; degreasers; disinfectants; paint thinners; paint: oil, stain, varnish, shellac and latex; fluorescent tubes and bulbs; glue; lawn and garden products including pesticides, herbicides, fungicides and fertilizers; lighter fluid; metallic mercury; moth balls; oven cleaners; drain cleaners; turpentine; polishes, pool chemicals; TVs and stereos; car and truck tires (limit five) (limit 300 pounds each); propane tanks and bottles; electronic equipment: computers, copiers, cell phones, fax machines and ink cartridges.

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Waste that will not be accepted: ammunition and explosives; fireworks; non-residential waste; radioactive devices (smoke / fire detectors); Styrofoam waste, including peanuts; construction and demolition debris; school lab waste; fire extinguishers; appliances; furniture; power tools; liquids in containers larger than 5 gallons; medical waste and medicines.




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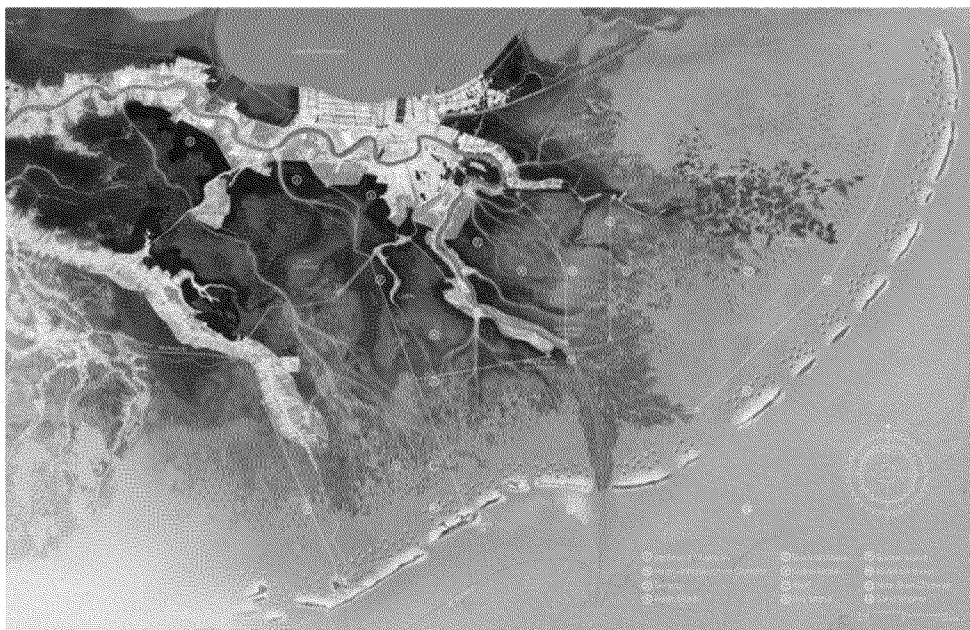
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# Some researchers recommend moving Mississippi's mouth north to English Turn or Port Sulphur, according to The Lens



Studio Misi-Ziibi, made up of 32 engineering and design firms and individual scientists, proposes that the mouth of the Mississippi River be moved north to Port Sulphur or English Turn, with areas to the south in Plaquemines Parish slowly abandoned to wetlands, with a variety of diversion and pipeline sediment mining projects creating between 1,150 square miles and 1,930 square miles of new land and wetlands along the coast. (Studio Misi-Ziibi)



By [Mark Schleifstein, NOLA.com | The Times-Picayune](#)  
[Email the author](#) | [Follow on Twitter](#)  
 on September 16, 2015 at 7:28 PM

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Move the mouth of the [Mississippi River](#) north to English Turn or Port Sulphur and abandon communities to their south to preserve other populated areas to their north, say one of several teams of coastal engineering and sustainability experts that have participated in a two-year design competition, according to [The Lens](#).

That's just one of several unique proposals presented by experts participating in [Changing Course](#), an independent initiative led by Louisiana and national environmental, engineering and design organizations and underwritten by the Greater New Orleans Foundation.

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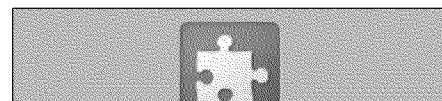
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"We want to stress this isn't something anyone is saying needs to be done soon, but it is something we think will be necessary in the future – so we need to start planning for it now," Jeff Carney, director of the [LSU Coastal Sustainability Studio](#), told reporter [Bob Marshall](#).

The radical change in the river's mouth was proposed by [Studio Misi-Ziibi's H3 Studio](#). The parent firm includes 32 corporate partners and experts including Delft University of Technology, Washington University of St. Louis, MIT, Coastal Environments Inc., University of Louisiana at Lafayette, Louisiana State University, University of New Orleans and Tulane University.

The Baird Team would move the "mouth" of the Mississippi above English Turn, allowing the river's water and sediment to be used to build new sub-deltas through a series of sediment diversions, and allowing dredging of the existing channel to 50 feet, turning it into a slackwater tidal channel that won't need as much dredging.

*Baird Team*

Another of the winners, [Baird & Associates](#), recommends focusing on diversions along the Mississippi that would be turned on and off to create new sub-deltas, similar to the deltas being formed at the mouth of

the Atchafalaya River and at Wax Lake Delta.


Their team members also include researchers from UNO and LSU, along with scientists and engineers from Rutgers, University of North Florida and Texas Tech.

[Moffatt & Nichol](#), a global planning and engineering design firm, was the third winner of the competition, for its proposal, "The Giving Delta," which proposes a staged plan including pulsing diversions.

The plan also calls for lowering some levee segments below river mile 60 and Port Sulphur to allow high rivers to add sediment to the Barataria Basin and Breton Sound to create new delta areas, and cutting a new main river channel almost due south from Port Sulphur to the Gulf, with sand traps used to create "sand engines" that would allow sediment to drift along the coast to sustain and recreate wetlands and barrier islands.

The Moffat and Nichol plan calls for a four-generation approach to establishing a new river channel south from Port Sulphur, which would be protected for development, along with lowering levees above Port Sulphur to allow spring floods to allow sediment to create new deltas in Breton Sound and Barataria Bay.


*Moffat and Nichol*



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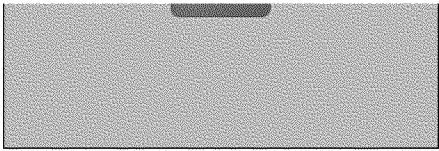
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1 hour ago

Another study! One funded by the "Greater New Orleans Foundation". The study favors abandoning areas south of New Orleans. No kidding, just throw those communities away! Typical New Orleans attitude. The real problem is the dumb massive levee building that is accelerating the destruction of habitat. Its pretty much a done deal, those levees are not going to be lowered or removed. Its just a matter of time before the area outside the existing levees becomes open water. Eventually the river will change its flow and more than likely move its delta to the Atchafalaya like its been trying to do. Nature will correct what man altered and New Orleans will not be inhabitable

Like   Reply



51 minutes ago

@buttercup It has nothing to do with a New Orleans attitude—it has to do with the reality of the situation and where (1) population is concentrated and (2) where economically productive infrastructure and businesses are located. With an open stream of funding and willpower, the entire coast of Louisiana could be buffered. That's a pipe dream though, as there isn't close to enough funding OR willpower to do that (competency is another challenge). The reality is that the vulnerability is increasing faster than our [tepid] response. We either keep delaying hard decisions and lose this entire area—eventually—or we make tough decisions to decide which areas must be "sacrificed" to protect the population centers.

Look, I'm not saying it's pleasant, but pleasantries are a luxury we don't have. Folks required to relocate will receive aid and funding to do so just like what happens with forced relocation elsewhere in this country for developments, environmental projects, etc.

Besides, I don't think anyone should be comfortable with making the population and

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economic center of this region (micro-region?) more vulnerable because a relatively small group of people simply LIKE to live in a certain area for the amenities there. That's the tail wagging the dog.

These are all probably just wasted words though, as I don't expect this state to stand up and make a decision in time. Plus, there's no money here (thank you, Bobby), and the feds aren't going to pony up all the cash unless the state has some skin in the game. And the person who will likely be our next governor has a poor record of building coalitions and really getting difficult things done from his time in Washington. I hate to think this way, I really do, but I'm trying to be honest with myself.

Like Reply



Isuuuuuuuuu

1 hour ago

It's too logical so it won't be approved. The landowners down South would rather rebuild after every storm than be relocated to safer land Northward.

Like Reply



DamnCajunYankee

1 hour ago

@Isuuuuuuuu Their funds to rebuild have to be cut off. They should be prevented from getting any government aid and insurance. That will drive their decision to re-locate.

Like Reply



WJOinfo

2 hours ago

Ya think maybe they could just move the New Orleans area next to Cancun or Aruba? Either one would be great. I'd be glad to donate the money that I spend to go down there to the project.....

Like Reply



tallyho2go

11 hours ago

Right now the Mississippi River levees divert 200 million tons of valuable sediment into the deep waters of the gulf yearly. If this sediment was deposited into the shallow waters further north it could build back millions of acres of wetlands yearly building up the Louisiana coastline.

It would already be doing this is we had not tampered with Mother Nature by building these levees to divert this land building sediment away from our coastline.

Landowners south of Port Sulphur will fight this project to save their lands but eventually Mother Nature will win out and it will be that much longer before we can save the entire Louisiana southeastern region from washing away.

1 🐾 Like Reply



L3Q

12 hours ago

Babee, U ain't gotta du nuthin. It gonna du what it wanna du.

Like Reply



jfitz49

12 hours ago

I guess they never heard of the old saying you can't mess with Mother Nature.

1 🐾 Like Reply



datruth1

13 hours ago

How about letting the river take the course that it wants to take to the Gulf - down the Atchafalaya River.

Like Reply



pollytickin

13 hours ago

New Orleans will be in the Gulf soon anyways.

1 🐾 Like Reply

Gimmee

14 hours ago



How many times has man played with Mother Nature and won?



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# Study: Air pollution kills 3.3 million worldwide, may double

By SETH BORENSTEIN (/content/seth-borenstein)

Sep. 16, 2015 7:56 PM EDT

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WASHINGTON (AP) — Air pollution is killing 3.3 million people a year worldwide, according to a new study that includes this surprise: Farming plays a large role in smog and soot deaths in industrial nations.

Scientists in Germany, Cyprus, Saudi Arabia and Harvard University calculated the most detailed estimates yet of the toll of air pollution, looking at what caused it. The study also projects that if trends don't change, the yearly death total will double to about 6.6 million a year by 2050.

The study, published Wednesday in the journal Nature, used health statistics and computer models. About three quarters of the deaths are from strokes and heart attacks, said lead author Jos Lelieveld at the Max Planck Institute for Chemistry in Germany.

The findings are similar to other less detailed pollution death estimates, outside experts said.

"About 6 percent of all global deaths each year occur prematurely due to exposure to ambient air pollution. This number is higher than most experts would have expected, say, 10 years ago," said Jason West, a University of North Carolina environmental sciences professor who wasn't part of the study but praised it.

Air pollution kills more than HIV and malaria combined, Lelieveld said.

With nearly 1.4 million deaths a year, China has the most air pollution fatalities, followed by India with 645,000 and Pakistan with 110,000.

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The United States, with 54,905 deaths in 2010 from soot and smog, ranks seventh highest for air pollution deaths. What's unusual is that the study says that agriculture caused 16,221 of those deaths, second only to 16,929 deaths blamed on power plants.

In the U.S. Northeast, all of Europe, Russia, Japan and South Korea, agriculture is the No. 1 cause of the soot and smog deaths, according to the study. Worldwide, agriculture is the No. 2 cause with 664,100 deaths, behind the more than 1 million deaths from in-home heating and cooking done with wood and other biofuels in developing world.

The problem with farms is ammonia from fertilizer and animal waste, Lelieveld said. That ammonia then combines with sulfates from coal-fired power plants and nitrates from car exhaust to form the soot particles that are the big air pollution killers, he said. In London, for example, the pollution from traffic takes time to be converted into soot, and then it is mixed with ammonia and transported downwind to the next city, he said.

"We were very surprised, but in the end it makes sense," Lelieveld said. He said the scientists had assumed that traffic and power plants would be the biggest cause of deadly soot and smog.

Agricultural emissions are becoming increasingly important but are not regulated, said Allen Robinson, an engineering professor at Carnegie Mellon University, who wasn't part of the study but praised it.

Ammonia air pollution from farms can be reduced "at relatively low costs," Robinson said. "Maybe this will help bring more attention to the issue."

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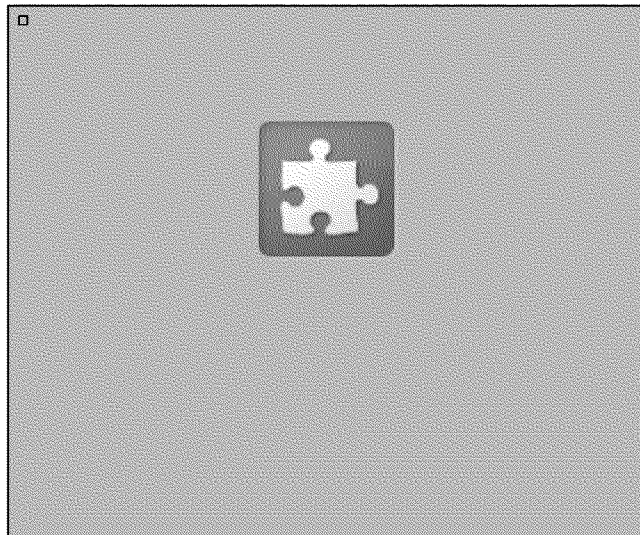
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In the central United States, the main cause of soot and smog premature deaths is power plants; in much of the West, it's traffic emissions.

Jason West and other outside scientists did dispute the study's projections that deaths would double by 2050. That's based on no change in air pollution. West and others said it's likely that some places, such as China, will dramatically cut their air pollution by 2050.

And Lelieveld said that if the world reduces a different air pollutant — carbon dioxide, the main gas causing global warming — soot and smog levels will be reduced as well, in a "win-win situation in both directions."



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## EPA chief tells Boozman: Agency did not shirk responsibility in mine spill

By The Associated Press

This article was published September 16, 2015 at 1:37 p.m.

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PHOTO BY BRENNAN LINSLEY / AP

An Environmental Protection Agency contractor works on the clean up in the aftermath of the blowout at the Gold King mine, which triggered a major spill of toxic wastewater, outside Silverton, Colo., Wednesday, Aug. 12, 2015.

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WASHINGTON — The head of the Environmental Protection Agency dismissed complaints Wednesday by Republican lawmakers that her agency downplayed the seriousness of a toxic mine spill that fouled rivers in three Western states.

EPA Administrator Gina McCarthy called the spill caused by her agency "tragic and unfortunate" and said the EPA has taken responsibility to ensure that 3 million gallons of rust-colored sludge released into Colorado's Animas River is cleaned up. The Aug. 5 spill occurred during excavation work at an inactive gold mine near Silverton, Colo.

Republican senators charged at a hearing Wednesday that EPA is treating itself more gingerly than if a private company were responsible for the spill, which sent lead, arsenic and other heavy metals rushing toward downstream communities. The spill contaminated rivers in Colorado, New Mexico and Utah, as well as in the Navajo Nation and Southern Ute Reservation.

Sen. John Boozman, R-Ark., said the EPA employed a "double standard" in responding to the Colorado spill. While the agency at times adopts an aggressive, even "heavy-handed" approach to regulating companies, Boozman told McCarthy, "your initial reaction [to the Colorado spill] was to downplay the severity of it."

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Boozman said he was appalled at McCarthy's comment, during an Aug. 13 visit to New Mexico, that the Animas River was "restoring itself."

"That was done very, very poorly," he told McCarthy at a hearing conducted by the Senate Environment and Public Works Committee.

"There's no way EPA should have downplayed this. I certainly did not," McCarthy replied.

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